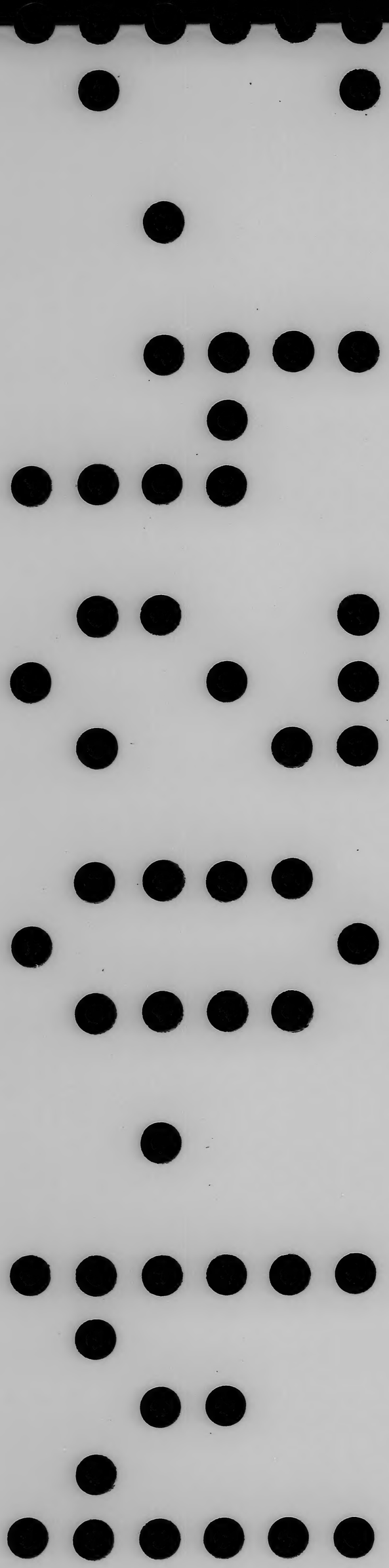

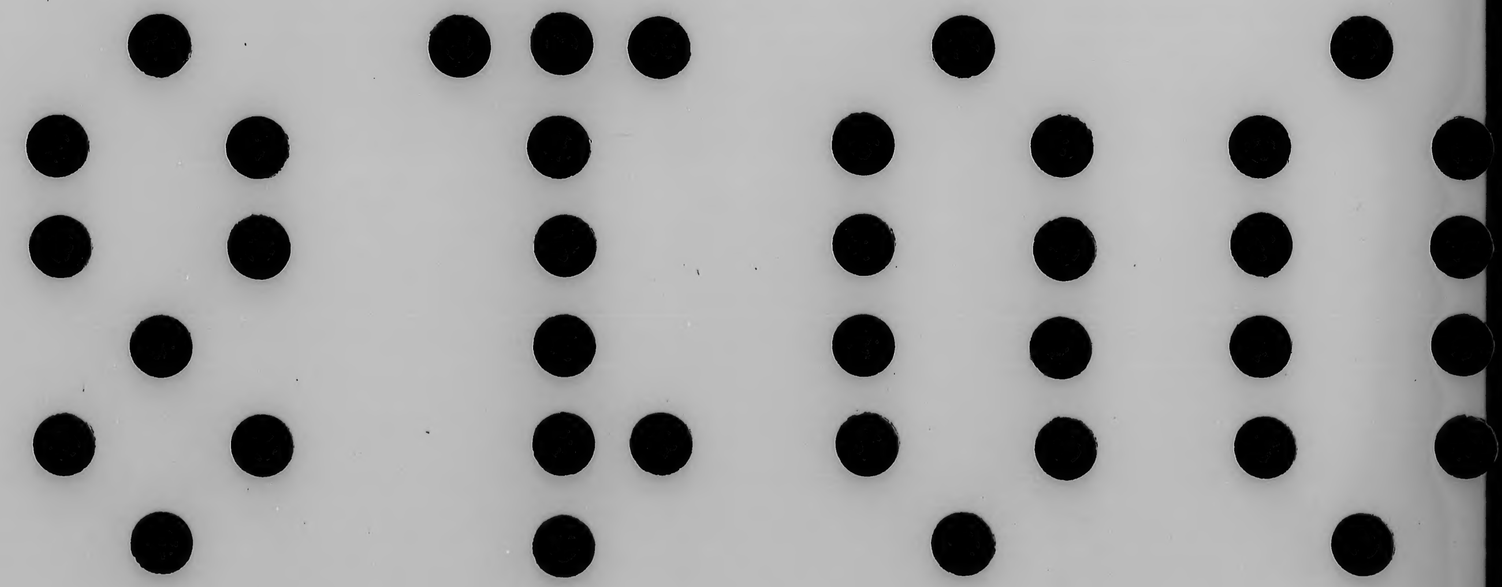

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Dated, Hammond, Ind., this 2nd day of July, 1926.

FRONT

FRONT

July 9, 1926

[illegible]

R. M. Wells
Mayor

Glenn Morris
City Clerk

Monday, July 9, 1926--7:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Hyde, Worley, Whitesides, Dr. Robert D. Sheppard, Joseph D. Weaver, Commissioner of Finance, R. M. Wells, City Attorney, D. M. Ramsey, and City Engineer Lawrence Weaver. The minutes of the previous meeting were read and approved.

[illegible] Chamber of Commerce, which was read by the President of the Asheville Chamber of Commerce, in which he invited the members of the Rhododendron Festival Committee, Mayor Wells, City Manager, Otis Marcum, and the Members of the City Council to be present at a meeting to be held on Thursday night, July 9, to hear a report of the committee on the Festival, which was in session during the course of the year for this City.

On motion of Councilman Hyde, the invitation was accepted.

Motion and claim for all [illegible] personal injuries was presented by the City Attorney from Counsel Thomas Weaver & Weaver for the claimant, as follows, which was read and considered:

NORTH CAROLINA
BUNCOMBE COUNTY

TO MY CITY MANAGER, MAYOR AND COUNCILMEN OF THE CITY OF ASHEVILLE, N. C. } NOTICE OF CLAIM

Comes now Mrs. [illegible], claimant herein named, hereby gives notice of and makes claim as follows:

I.

That the claimant lives in the white frame house at 491 Millen Street in the City of Asheville, County of Buncombe, State of North Carolina, and that she has for the past fourteen years worked at the Asheville Laundry.

II.

That about 7:15 A.M. on the morning of June 22, 1926, while the claimant was in the act of going from the sidewalk to the unprotected sidewalk to her work at the aforementioned laundry she fell by reason of the unsafe and dangerous condition of the sidewalk along the south side of Beaumont Street at the water meter situated in the sidewalk about sixteen feet west of its intersection with Curve Street, caused to fall and thereby painfully and seriously injure and damage herself.

III.

That the injuries and damages sustained by the claimant on the aforestated occasion are that in said fall various parts of her face were badly cut, lacerated and bruised, and one of her lower front teeth was knocked out, and that her entire right leg was wrenched, strained, sprained and bruised, and that all of same has caused the claimant to be under the care of a physician over since and has caused her to endure excruciating pain and suffering in both body and mind and has put her to great expense in the form of doctor bills, medicine bills and

July 9, 1926

IV.

[illegible]

[illegible]

[illegible]

FRONT
ACCEPTED
NO RSVP

FRONT

[illegible] resolution entitled, "Resolution Authorizing the City Manager to Request the Board of Financial Control [illegible] for a Temporary Budget [illegible] 1926, which was upon motion of Councilman [illegible] seconded

A RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO REQUEST THE BOARD OF FINANCIAL CONTROL FOR A TEMPORARY BUDGET FOR THE MONTH OF AUGUST, 1926

WHEREAS, the new budget for the City of Asheville for the year 1926 [illegible]

WHEREAS, it is necessary for the City of Asheville to have funds [illegible] the month of August, 1926;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized and directed to request [illegible] the Board of Financial Control to operate the City of Asheville for the month of August 1926 under a temporary budget [illegible]

[illegible] resolution.

[illegible]

[illegible]

[illegible] 30th day of July, 1926.

[illegible]

Glenn Morris
City Clerk

[illegible]

Approved as to form:
J. Hall Johnston
Counsel for the City

Glenn Morris
City Clerk

[illegible] August 6, 1926--7:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, Robert B. Cleveland, Jr., E. E. Weaver, Jr., Eugene Garland, Fred W. Wells, City Manager D. M. Rankin, Counsel J. Hall Johnston, and Chief Clerk Glenn Morris. The minutes of the meeting [illegible]

[illegible]

Mr. [illegible] appeared before the Council in behalf of the Rural Building Material Company of Oklahoma City, Okla., urging that this meter be installed [illegible] left open for further study, and to [illegible] of a parking meter in Asheville.

[illegible] visitor and spoke briefly regarding the installation of [illegible]

On motion the Council adjourned.

B. M. Wells
Mayor

Glenn Morris
City Clerk

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, Robert B. Cleveland, Jr., E. E. Weaver, Eugene Garland, Fred W. Wells, City Manager D. M. Rankin, Counsel J. Hall Johnston, and Chief Clerk Glenn Morris. The minutes of the previous meeting [illegible]

[illegible]

J. Hall Johnston, Counsel for the Council, introduced the following entitled Resolution Prescribing the Form [illegible] Bonds pursuant to [illegible] of Refunding Bonds of the City of Asheville for the purpose of refunding [illegible] Issuance of [illegible] Outstanding Debt", passed May 11, [illegible] seconded by Councilman [illegible]

A RESOLUTION [illegible] THE EXECUTION [illegible] AUTHORITY OF REFUNDING BONDS [illegible] ISSUANCE OF [illegible] REFUNDING [illegible]", passed May 11, 1926.

WHEREAS, on the 11th day of May, 1926, the Council of the City of Asheville passed an ordinance, entitled, "An Ordinance [illegible] of Bonds of the City of Asheville for the purpose of refunding [illegible] Debt"; and

WHEREAS, it is necessary to prescribe the form, denominations and other details of the [illegible] authorized by said ordinance, and to provide for the execution and delivery;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. The General Refunding Bonds, authorized by the said Ordinance referred to in the preamble of this resolution, shall be issued in coupon form, in the denominations of One Thousand Dollars ($1,000), Five Hundred Dollars ($500) and Two Hundred Fifty Dollars ($250), and in registered form in such amounts, less than Two Hundred Fifty Dollars ($250) as may be necessary in order to permit of the delivery of General Refunding Bonds to the holder of any of the outstanding obligations to be refunded by the issuance of said General Refunding Bonds, in an amount equal to the principal amount of the obligations surrendered in exchange for such General Refunding Bonds.

Section 2. Said bonds in the denomination of One Thousand Dollars ($1,000) shall be numbered from 1-1 upwards; said bonds in the denomination of Five Hundred ($500) shall be numbered from R-1 upwards; said bonds in the denominations of Two Hundred Fifty Dollars ($250) shall be numbered from C-1 upwards, and said registered bonds shall be numbered from R-1 upwards. Said coupon General Refunding Bonds shall be issued in substantially the following form, to-wit:-

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
CITY OF ASHEVILLE
GENERAL REFUNDING BOND

No. [illegible] $[illegible]

The City of Asheville, a municipal corporation in the County of Buncombe and State of North Carolina, for value received hereby acknowledges itself indebted and promises to pay to the bearer, or, if this bond be registered, to the registered holder, the sum of

[illegible] DOLLARS ($[illegible])

on the 1st day of July 1976, and to pay interest thereon at the following rates per annum for the following periods, respectively: One per centum (1%) from date until July 1, 1941, and one-half per centum (1/2%) thereafter until July 1, 1946; two per centum (2%) thereafter until July 1, 1951; two and one-quarter per centum (2 1/4%) thereafter until July 1, 1956; two and three-quarters per centum (2 3/4%) thereafter until July 1, 1961; three and one-quarter per centum (3 1/4%) thereafter until July 1, 1966; and four per centum (4%) thereafter until July 1, 1976, such interest to be paid semi-annually on the first days of January and July in each year, upon presentation and surrender of the annexed interest coupons as they severally become due. Both principal of and interest on this bond will be paid in lawful money of the United States of America at the principal office of the Irving Trust Company, in the Borough of Manhattan City and State of New York.

At the request of the holder, this bond will be registered in his name as to principal in the bond register of the City of Asheville by the City Treasurer as Bond Registrar, or by such other Bond Registrar as may be legally appointed by said City, and such registration will be noted hereon by such Bond Registrar. After such registration the principal of this bond shall be payable to the person in whose name it is registered, unless this bond shall be discharged from registry by being registered as payable to bearer. This bond may be transferred on the bond register by the registered owner in person or by attorney, upon presentation to the Bond Registrar, accompanied by delivery of a written instrument of transfer in a form approved by the Bond Registrar, executed by the registered owner, notation of which transfer shall be endorsed hereon by the Bond Registrar. Notwithstanding

FRONT

the registration of this bond, the coupons shall remain payable to bearer, and shall continue to be transferred by delivery.

This bond is issued under and pursuant to The Municipal Finance Act, 1921, as amended, the Local Government Act, and other statutes of the State of North Carolina, and an ordinance duly passed by the Council of the City of Asheville on May 21, 1936, for the purpose of refunding a like amount of valid outstanding debt of the City of Asheville.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the City of Asheville, is within every debt and other limit prescribed by the Constitution or statutes of said State. The faith and credit of said City are hereby pledged for the punctual payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF, the City of Asheville has caused this bond to be signed by its Mayor, City Manager and City Clerk, and its corporate seal to be hereto affixed, and interest coupons, bearing the facsimile signature of the City Clerk in office on the date of this bond, to be hereto attaced, and this bond to be dated as of the 1st day of July 1936.

_____
Mayor

_____
City Manager

_____
City Clerk

(FORM OF COUPON)

No. $_____

On the 1st day of January/July, 19___, the City of Asheville, North Carolina, will pay to the bearer the sum of _____ Dollars ($_____) lawful money of the United States of America, at the principal office of the Irving Trust Company, in the Borough of Manhattan, City and State of New York, being the semi-annual interest then due on its General Refunding Bond, dated July 1, 1936, and numbered _____.

_____
City Clerk

REGISTRATION CERTIFICATE.

NOTE: No writing shall be made hereon except by the City Treasurer of the City of Asheville, or such other bond registrar as may be appointed by the governing body of said City.

DATE OF REGISTRATION:	IN WHOSE NAME REGISTERED:	BOND REGISTRAR:

(CERTIFICATE FOR LOCAL GOVERNMENT COMMISSION)

The issue hereof has been approved under the provisions of the Local Government Act.

W. E. Easterling,
Secretary of Local Government Commission,

By _____
Designated Assistant

SECTION 3. The registered General Refunding Bonds shall be in substantially the following form, to-wit:-

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
CITY OF ASHEVILLE
GENERAL REFUNDING BOND

NO._____ $_____

The City of Asheville, a municipal corporation in the County of Buncombe and State of North Carolina, for value received hereby acknowledges itself indebted and promises to pay to _____, or registered assigns, the sum of

_____ DOLLARS ($_____)

on the first day of July 1976 at the Irving Trust Company, in the Borough of Manhatten, City and State of New York, and to pay interest thereon at the following rates per annum for the following periods, respectively: One per centum (1%) from July 1, 1936 to July 1, 1939; one and one-quarter per centum (1¼%) thereafter until July 1, 1941; and one-half per centum (1½%) thereafter until July 1, 1946; two per centum (2%) thereafter until July 1, 1951; two and one-quarter per centum (2¼%) thereafter until July 1, 1956; two and three quarters per centum (2¾%) thereafter until July 1, 1961; three and one-quarter per centum (3¼%) thereafter until July 1, 1966; and four per centum (4%) thereafter until July 1, 1976, payable semi-annually on the first days of January and July in each year. The interest on this bond as the same becomes due will be remitted to the registered owner by check or draft drawn upon the Irving Trust Company, in the Borough of Manhatten, City and State of New York.

This bond may be transferred on the bond register of the City of Asheville by the registered owner in person or by attorney, upon presentation to the City Treasurer as Bond Registrat, or such other Bond Registrar as may be legally appointed by said City, accompanied by delivery of a written instrument of transfer in a form approved by the Bond Registrar, executed by the registered owner, notation of which transfer shall be endorsed hereon by said Bond Registrar.

This bond is issued under and pursuant to The Municipal Finance Act, 1921, as amended, the Local Government Act, and other statutes of the State of North Carolina, and an ordinance duly passed by the Council of the City of Asheville on May 21, 1936, for the purpose of refunding a like amount of valid outstanding debt of the City of Asheville.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts, and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the City of Asheville, is within every debt and other limit prescribed by the Constitution or statutes of said State. The faith and credit of said City are hereby pledged for the punctual payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF the City of Asheville has caused this bond to be signed by its Mayor, City Manager and City Clerk, and its corporate seal to be hereto affixed, and this bond to be dated as of the first day of July 1936.

_____
Mayor

_____
City Manager

_____
City Clerk

REGISTRATION CERTIFICATE.

NOTE: No writing shall be made hereon except by the City Treasurer of the City of Asheville, or such other bond registrar as may be appointed by the governing body of said City.

DATE OF REGISTERED TRANSFER:	IN WHOSE NAME REGISTERED:	BOND REGISTRAR:

(CERTIFICATE FOR LOCAL GOVERNMENT COMMISSION)

This issue hereof has been approved under the provisions of the Local Government Act.

W. E. EASTERLING,
Secretary of Local Government Commission,

By _____
Designated Assistant

SECTION 4. The Water Refunding Bonds authorized to be issued by the ordinance referred to in the preamble of this resolution, shall be issued in coupon form, in the denominations of One Thousand Dollars ($1,000), Five Hundred Dollars ($500) and Two Hundred Fifty Dollars ($250), and in registered form in such amounts, less than Two Hundred Fifty Dollars ($250) as may be necessary in order to permit of the delivery of Water Refunding Bonds to the holder of any of the outstanding obligations to be refunded by the issuance of Water Refunding Bonds, in an amount equal to the principal amount of the obligations surrendered in exchange for such Water Refunding Bonds.

SECTION 5. Said bonds in the denominations of One Thousand Dollars ($1000) shall be numbered from A-1 upwards; said bonds in the denominations of Five Hundred Dollars($500) shall be numbered from B-1 upwards; said bonds in the denominations of Two Hundred Fifty Dollars ($250) shall be numbered from R-1 upwards. Said Water Refunding Bonds shall be issued in substantially the following form, to-wit:-

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
CITY OF ASHEVILLE
WATER REFUNDING BOND

No._____ $_____

The City of Asheville, a municipal corporation in the County of Buncombe and State of North Carolina, for value received hereby acknowledges itself indebted and promises to pay to the bearer, or, if this bond be registered, to the registered holder, the sum of

_____DOLLARS ($)

on the 1st day of July 1976, and to pay interest thereon at the following rates per annum for the following periods, respectively: Two per centum (2%) thereafter until July 1, 1956; three per centum (3%) thereafter until July 1, 1962; three and one-quarter per centum (¼%) thereafter until July 1, 1966; and four per centum (4%) thereafter until July 1, 1976, such interest to be paid semi-annually on the first of January and July in each year, upon presentation and surrender of the annexed interest coupons as they severally become due. Both principal of and interest on this bond will be paid in lawful money of the United States of America at the principal office of the Irving Trust Company, in the Borough of Manhattan, City and State of New York.

At the request of the holder, this bond will be registered in his name as to principal in the bond register of the City of Asheville by the City Treasurer, as Bond Registrar, or such other Bond Registrar as may be legally appointed by said City, and such registration will be noted hereon by such Bond Registrar. After such registration the principal of this bond shall be payable to the person in whose name it is registered, unless this bond shall be discharged from registry by being registered as payable to bearer. This bond may be transferred on said bond register by the registered owner in person or by attorney, upon presentation to the Bond Registrar, accompanied by delivery of a written instrument of transfer in a form approved by the Bond Registrar, executed by the registered owner, notation of which transfer shall be endorsed hereon by the Bond Registrar. Notwithstanding the registration of this bond, the coupons shall remain payable to bearer, and shall continue to be transferable by delivery.

This bond is issued under and pursuant to The Municipal Finance Act, 1921, as amended, the Local Government Act, and other statutes of the State of North Carolina, and an ordinance duly passed by the Council of the City of Asheville on May 21, 1936, for the purpose of refunding a like amount of valid outstanding debt of the City of Asheville incurred for the present water system of the City of Asheville (including sewers constituting an integral part of such water system) which is a revenue-producing enterprise within the meaning of Section 2959 of the Consolidated Statutes of North Carolina.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent ot or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the City of Asheville, is within every debt and other limit prescribed by the Constitution or statutes of said State. The faith and credit of said City are hereby pledged for the punctual payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF, the City of Asheville has caused this bond to be signed by its Mayor, City Manager and City Clerk, and its corporate seal to be hereto affixed, and interest coupons, bearing the facsimile signature of the City Clerk in office on the date of this bond, to be hereto attached, and this bond to be dated as of the 1st day of July 1936.

_____
Mayor

_____
City Manager

_____
City Clerk

(FORM OF COUPON)

No. ____ $____

On the 1st day of July January, 19____, the City of Asheville, North Carolina, will pay to the bearer the sum of _____Dollars ($), lawful money of the United States of America, at the principal ofice of the Irving Trust Company, in the Borough of Manhattan, City and State of New York, being the semi-annual interest then due on its Water Refunding Bond, dated July 1, 1936, and numbered ____.

_____
City Clerk

REGISTRATION CERTIFICATE.

NOTE: No writing shall be made hereon except by the City Treasurer of the City of Asheville, or such other bond registrar as may be appointed by the governing body of said City.

DATE OF REGISTRATION:	IN WHOSE NAME REGISTERED:	BOND REGISTRAR:
_____	_____	_____
_____	_____	_____
_____	_____	_____

(CERTIFICATE FOR LOCAL GOVERNMENT COMMISSION)

The issue hereof has been approved under the provisions of the Local Government Act.

W. E. EASTERLING,
Secretary of Local Government
Commission,

By_____
Designated Assistant

SECTION 6. The registered Water Refunding Bonds shall be in substantially the following form, to-wit:-

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
CITY OF ASHEVILLE
WATER REFUNDING BOND

NO____ $_____

The City of Asheville, a municipal corporation in the County of Buncombe and State of North Carolina, for value received hereby acknowledges itself indebted and promises to pay to _____, or registered assigns, the sum of

_____ DOLLARS ($)

on the first of July 1976, at the Irving Trust Company, in the Borough of Manhatten, City and State of New York, and to pay interest thereon at the following rates per annum for the following periods, respectively: Two per centum (2%) from July 1, 1936 to July 1, 1940; two and one-half per centum (2½%) thereafter until July 1, 1956; three per centum (3%) thereafter until July 1, 1962; three and one-quarter per centum (3¼%) thereafter until July 1, 1966; and four per centum (4%) thereafter until July 1, 1976, payable semi-annually on the first days of January and July in each year. The interest on this bond as the same becomes due will be remitted to the registered owner by check or draft drawn upon the Irving Trust Company, in the Borough of Manhattan, City and State of New York.

This bond may be transferred on the bond register of the City of Asheville by the registered owner in person or by attorney, upon presentation to the City Treasurer as Bond Registrar, or such other Bond Registrar as may be legally appointed by said City, accompanied by delivery of a written instrument of transfer in a form approved by the Bond Registrar, executed by the registered owner, notation of which transfer shall be endorsed hereon by said Bond Registrar.

This bond is issued under and pursuant to The Municipal Finance Act, 1921, as amended, the Local Government Act, and other statutes of the State of North Carolina, and an ordinance duly passed by the Council of the City of Asheville on May 21, 1936, for the purpose of refunding a like amount of valid outstanding debt of the City of Asheville incurred for the present water system of the City of Asheville (including sewers constituting an integral part of such water system) which is a revenue-producing enterprise within the meanint of Section 2959 of the Consolidated Statutes of North Carolina.

IT IS HEREBY CERTIFIED AND RECITED that all conditions, acts and things required by the Constitution or statutes of the State of North Carolina to exist, be performed or happen precedent to or in the issuance of this bond, exist, have been performed and have happened, and that the amount of this bond, together with all other indebtedness of the City of Asheville, is within every debt and other limit prescribed by the Constitution or statutes of said State. The faith and credit of said City are hereby pledged for the punctual payment of the principal of and interest on this bond in accordance with its terms.

IN WITNESS WHEREOF the City of Asheville has caused this bond to be signed by its Mayor, City Manager and City Clerk, and its corporate seal to be hereto affixed, and this bond to be dated of the first day of July 1936.

_____
Mayor

_____
City Manager

_____
City Clerk

REGISTRATION CERTIFICATE

NOTE: No writing shall be made hereon except by the City Treasurer of the City of Asheville, or such other bond registrar as may be appointed by the governing body of said City.

DATE OF REGISTERED TRANSFER:	IN WHOSE NAME REGISTERED:	BOND REGISTRAR

(CERTIFICATE FOR LOCAL GOVERNMENT COMMISSION)

The issue hereof has been approved under the provisions of the Local Government Act.

W. E. EASTERLING,
Secretary of Local Government Commission,

By_____
Designated Assistant

SECTION 7. Said General Refunding Bonds and said Water Refunding Bonds shall be signed by the Mayor, City Manager and City Clerk, and shall have the corporate seal of the City of Asheville affixed thereto, and the coupons attached to the coupon refunding bonds shall bear the facsimile signature of the City Clerk in office on the date of said bonds.

SECTION 8. When the said bonds have been executed, the City Manager shall turn them over to the State Treasurer of North Carolina to be delivered by him from time to time, in exchange for the obligations refunded, or, if such obligations have been reduced to judgment, against a receipt or release from the judgment creditor, in accordance with the provisions of Section 25 of the Local Government Act, as amended.

I move the adoption of the foregoing resolution this 13th day of August, 1936.

Eugene Carland
Councilman

SECONDED BY: Robert E. Shuford
Councilman

Read, approved and adopted this 13 day of August, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

A. Hall Johnston
Corporation Counsel

PARKING METERS

After discussion for and against Parking Meters, it was moved by Councilman Bryson, seconded by Councilman Vance that the question of parking meters for Asheville be postponed until spring, and in the meantime the Council would give it serious study and personally observe reaction to the meters in other cities. Unanimously passed.

CITY MARKET ELECTRIC POWER [illegible]

Upon motion of Councilman Carland, seconded by Councilman Shuford, contract covering the City Market House with the Carolina Power and Light Company for a two year period was adopted.

CITY HALL ELECTRIC POWER CONTRACT

On motion of Councilman Carland, seconded by Councilman Shuford contract for City Hall electric power for a two year period with the Carolina Power and Light Company was adopted.

CITY INCINERATOR ELECTRIC [illegible]

Upon motion of Councilman Carland, seconded by Councilman Shuford contract covering the City Incinerator with the Carolina Power and Light for a two year period was adopted.

RESOLUTION AUTHORIZING SALE [illegible] SHORT STREET, BILTMORE

Resolution authorizing advertisement and sale at Public Auction of Lot 6, Block "H", Plat Book 3, Page 4, Short Street, Biltmore was upon motion of Councilman Shuford, seconded by Councilman Carland, unanimously adopted.

RESOLUTION AUTHORIZING ADVERTISEMENT AND SALE AT PUBLIC AUCTION OF LOT 6, BLOCK "H", PLAT BOOK 3, PAGE 4, SHORT STREET, BILTMORE

WHEREAS, the Town of Biltmore, a municipal corporation, for the consideration of $1000.00 on the 8th day of September, 1924, purported to convey to F. E. Peckham by deed in fee simple duly registered in Deed Book No. 302, page 41, a vacant lot fronting 25 feet on Short Street, and having a depth of 89 feet; and

WHEREAS, under Chapter 205, Private Laws of North Carolina, Session 1929, the corporate limits of the City of Asheville were extended so as to include within its present corporate limits the Town of Biltmore, which then contained said lot; and

WHEREAS, it appears that said lot was neither advertised for sale nor sold at public sale; and

WHEREAS, Clara R. Williams is the present owner of said lot;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That said lot be advertised for sale at public auction at the Court House door of Buncombe County, N. C., as required by law, for cash, and said sale reported to this body, allowing Clara R. Williams a credit of $1,000 forperly paid to the Town of Biltmore if she is the successful bidder for said lot.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted, this 13 day of August, 1936.

Robert M. Wells
Mayor
Glenn Morris
City Clerk

Approved as to Form:
A. Hall Johnston
Corporation Counsel

REQUEST BUILDING INSPECTOR

H. P. Clayton, business agent of the Carpenters Union asked that a full time building inspector be put on. This was referred to the City Manager.

On motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

FRONT

Thursday, August 20, 1936--4:30 P.M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Bryson, Robert E. Shuford, J. C. Vance, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Assistant Corporation Counsel. The minutes of the previous meeting were read and approved.

[illegible]

S. J. Pegram, Attorney, presented notice of claim for property damage by Lucretia Cassidy on corner of Elizabeth Street and Rankin Avenue, which was referred to the City Manager.

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE :

LUCRETIA CASSIDY, :
Claimant,) NOTICE OF CLAIM FOR PROPERTY DAMAGE

vs)
THE CITY OF ASHEVILLE, A)
MUNICIPAL CORPORATION,)
Defendant.)

TO THE HONORABLE ROBERT M. WELLS, MAYOR OF THE CITY OF ASHEVILLE: TO THE HONORABLE P. M. BURDETTE, CITY MANAGER, AND THE BOARD OF CITY COUNCIL FOR THE CITY OF ASHEVILLE:

Lucretia Cassidy, Claimant above named, being first duly sworn, deposes, gives notice and makes claim and semand upon the City of Asheville, a Municipal Corporation, as follows:

1.

That the Claimant is owner of a certain lot at the corner of Elizabeth Street and Rankin Avenue in the City of Asheville and which is designated on the City Tax Map as Lot #217½, Sheet 2, Ward 3, said lot fronting 43.9 feet on Rankin Avenue and fronting 83.3 feet on Elizabeth Street and that on said lot is constructed a large apartment house and that the Claimant earns her living from the rental of said apartments.

2.

That the above named lot faces in the rear along a creek or branch and that said creek or branch is from 10 to 15 feet below the level of the Claimant's lot and prior to this date the Claimant has spent a large sum of money in constructing and maintaining a retaining wall for the support of her property, said retaining wall being also constructed for a foundation to a large garage which is built immediately in the rear of said apartment house for the use and benefit of the patrons and renters of the apartment. That said garage is approximately 43 feet in length extending the full width of the Claimant's lot and from 10 to 15 feet in depth and is large enough to accommodate the storage of 6 or 7 automobiles and that as above stated the rear of said garage is supported by the retaining wall, said retaining wall, said retaining wall being constructed of concrete and rock.

3.

That the Claimant is informed and believes that the City of Asheville is the owner of property abutting the Claimant's property in the rear and on the East side of said branch or creek.

4.

That the said City of Asheville undertook and did construct a cement basin for said creek under Elizabeth Street and passing the Claimant's property in the rear and that during the year of 1935 without notice or warning to the Claimant the City of Asheville through its Agents, servants and employees, and at the direction of the City of Asheville and under the supervision of the said City, did negligently and unlawfully destroy the foundation of said creek, diverting the water course of said stream or creek, so that said creek washed directly under the retaining wall constructed by this Claimant, undermining said wall and causing same to crack and fall in thereby destroying and making utterly useless the garage which had been constructed on said premises and depriving this Claimant of the use and benefit of same, thereby greatly damaging the Claimant and causing Claimant's property to be less desirable and causing Claimant's apartments to be less desirable for permanent tenants and causing this Claimant to lose and will cause this Claimant to lose in the future desirable and permanent renters of said apartments and thereby causing the Claimant to be greatly damaged.

5.

That the City of Asheville, the defendant herein, in permitting its agents, servants and employees to expose to and destroy the cement foundation of said stream, was an act of negligence on the part of the City of Asheville and that as a result of same the City has established a nuisance, which is a continuing one and which if allowed to remain will endanger the Claimant's property [illegible] same.

6.

That the City of Asheville by the exercise of reasonable care and diligence could have and as this Claimant alleges, did know the results of the excavation and said destruction of said cement foundation of said stream and that the said City of Asheville ignoring the rights of this said Claimant and disregarding the same, did result from its unlawful acts in cutting out said foundation directly at the East end part of Elizabeth Street directly where this Claimant's property abutted, causing a fall and lowering the level of said water course at this point and directing the flow of the said water on and into the Claimant's property thereby causing said retaining wall to crumble and fall in which has caused great loss and damage to this Claimant.

7.

That by reason of the foregoing acts of negligence on the part of the City of Asheville, which were the direct and proximate causes of the Claimant's damage and injury, the Claimant has been damaged in the amount of Twenty-five Hundred ($2,500.00) Dollars.

WHEREFORE, the Claimant hereby gives notice and claim for damages against the City of Asheville for the amount of Twenty-Five Hundred ($2,500.00) Dollars and hereby further demands that the City of Asheville pay to the Claimant the damages established by its negligent and unlawful acts.

Presented to the Councilmen of the City of Asheville, North Carolina, at a meeting held in the City of Asheville, State of North Carolina, on the [illegible] August, 1936.

Nebulon Yarmon, Jr.
Attorney

S. J. Pegram
Attorney

Lucretia Cassidy
Claimant

Sworn to and subscribed before me, this the [illegible] day of August, 1936.

[illegible]
Notary Public, Buncombe County,
N. C.

My Commission Expires:
Dec. 9, 1937.

[illegible]

Mayor Wells reported that he had received numerous complaints regarding the congestion at the corner of [illegible] and Patton Avenue. He also reported complaints regarding a tree on [illegible] Street. Complaints were referred to the City Manager.

On motion, adjourned.

R. M. Wells
Mayor.

[illegible]
City Clerk

Thursday, August 27, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, Robert L. Shuford, Jacob F. Weaver, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, A. Hall Johnston, Corporation Counsel, and Philip D. Cooke, Jr., Assistant Corporation Counsel. The minutes of the previous meeting were read and approved.

Mrs. F. B. Glenn, and Mrs. John M. Bannon spoke for a group of church women who are interested in organized play-ground program for the City. The general need for play-grounds in all sections of the city was emphasized. Councilman Bryson, Councilman Carland, and Councilman Shuford were appointed as a committee to work with the City Manager on this matter.

[illegible]

Resolution authorizing adoption of an escrow agreement by and between the City of Asheville and the Wachovia Bank and Trust Company was on motion of Councilman Eugene Carland, seconded by Councilman Holmes Bryson, unanimously adopted.

RESOLUTION AUTHORIZING ADOPTION OF AN ESCROW AGREEMENT BY AND BETWEEN THE CITY OF ASHEVILLE AND THE WACHOVIA BANK AND TRUST COMPANY.

WHEREAS, the City of Asheville having entered into negotiations for the refunding of its now existing indebtedness with what is known as the Bondholders' Committee and the Noteholders' Committee of the City of New York, State of New York; and

WHEREAS, it becomes necessary to have a local depository for such minority bondholders and noteholders as may care to deposit their bonds and notes for the purpose of exchanging old bonds and notes of present outstanding obligations for new bonds and notes, as set out in the above mentioned refinancing agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Wachovia Bank & Trust Company of Asheville, N. C., be and it is hereby appointed the depository for said bonds and notes mentioned above, a copy of said escrow agreement being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: Holmes Bryson
Councilman

Read, approved and adopted, this 27th day of August, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

A. Hall Johnston
Corporation Counsel

AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of _____, 1936, by _____ of the City of _____ State of _____ (hereinafter called the "bondholder"), and the City of Asheville, a political subdivision of the State of North Carolina, (hereinafter called the "City"), and the _____ Bank of the City of Asheville, State of North Carolina, (hereinafter called the "Bank");

W I T N E S S E T H:

WHEREAS, the City of Asheville did on the _____ day of _____, 1936, entered into a contract with a Bondholders' Protective Committee consisting of Frederic W. Rob[illegible] Thomas F. Daly, John S. Harris, Henry Hart, Fred P. Hayward, and William C. O'Keeffe, organized under a Deposit Agreement dated September 14, 1931, and with a Noteholders' Protective Committee, consisting of Nolan Harrigan, E. H. Alden, and F. J. Rue, organized under a Deposit Agreement dated March 28, 1931, providing for the refunding of the outstanding bonded and note indebtedness of the City; and

WHEREAS, the bondholder being the owner of bonds eligible for refunding under the terms of the Plan embodied in said contract desires the City to refund his bonds in the manner proposed by said Plan.

NOW, THEREFORE, IT IS AGREED BY THE PARTIES HERETO AS FOLLOWS:

FIRST: The bondholder hereby desires to and deposits with the Bank, the following described bonds heretofore issued by the City, together with interest coupons attached thereto, representing all instalments of interest due upon said bonds, commencing with the earliest instalment evidenced by the coupon described below, all of which are more particularly described as follows:

Amount of Bonds:
Title of Issue:
Date of Issue:
Date of Maturity:
Bond Numbers:
Interest rate:
Earliest Coupon attached:

and the Bank by the execution of this agreement acknowledges the receipt of the above described bonds and interest coupons, to be held and disposed of upon the terms and conditions herein expressed.

SECOND: The above described bonds and interest coupons are to be held by the Bank in escrow, to be ultimately surrendered to the City upon the delivery by the City to the Bank for the account of the bondholder, an amount of refunding bonds or obligations issued by the City in pursuance of the aforesaid Plan, equal in par value to the par value of the above bonds, bearing the rates of interest prescribed by said Plan, and otherwise conforming to the provisions of said Plan, which refunding bonds shall be and constitute a part of the refunding issue that may be delivered in part by the City to the aforesaid Bondholders' Protective Committee and the aforesaid Noteholders' Protective Committee and accepted by such Committee in exchange for the obligations which they hold and represent.

THIRD: The Bank is hereby authorized to surrender to the City the above described bonds and interest coupons, in exchange for such refunding bonds, when the aforesaid Bondholders' Protective Committee and the aforesaid Noteholders' Protective Committee accept refunding bonds issued pursuant to the terms of the aforesaid Plan, in exchange for the obligations of the City represented by such Committees.

FOURTH: The City agrees that whenever it shall make any payment under the terms of the aforesaid Plan to said Committees or to either of them, it will pay to the Bank for the account of the bondholder, the same pro rata payment which it would have made had the aforesaid bonds been deposited with either of said Committees. In the event the City shall have made payment to either of said Committees pursuant to the terms of the aforesaid Plan prior to the execution of this agreement, the City will make immediately upon the execution of this agreement, a like pro rata payment to the Bank for the account of the bondholder.

FIFTH: The Bondholder agrees that for a period of two years from the date hereof, he will not institute any action or proceeding in law or at equity upon or on account of the above described bonds and interest coupons, or withdraw any bond from the Bank, provided the City does not definitely refuse to carry out the obligations herein expressed. At the expiration of said period, or sooner if the City shall expressly and definitely refuse to carry out the obligations herein expressed, the Bondholder, his executors, administrators or assigns, shall be entitled to have said bonds re-delivered and it shall be the cuty of the Bank upon demand to re-deliver the same.

SIXTH. The Bank may rely upon a written statement by the Secretary of either of the aforesaid Committees advising that the Committees have accepted refunding bonds issued pursuant to the aforesaid plan in full satisfaction of all obligations of the City represented by such Committee. Said statement shall also show the amount or rate of interest paid said Committees on obligations pursuant to said plan, and such statement shall be complete justification for any action of the Bank in dealing with the bonds and interest coupons deposited herewith and cash collected in reliance upon such statement.

SEVENTH: The City agrees that at the same time it delivers refunding bonds to the aforesaid Committee, in exchange for the obligations on deposit with such Committees, it will deliver to the Bank for the account of the bondholder, in exchange for the above described bonds and coupons, the City's refunding bonds, in an amount equal in par value to the par value of the above described bonds, and such refunding bonds shall be of the same character and bear the same rate of interest, and be in all respects identical with the bonds or obligations which said City would have delivered to either of said Committees had the above described bonds been on deposit with it, and by it presented to the City to be exchanged for refunding bonds.

EIGHTH: Upon receipt of refunding bonds in exchange for the above described bonds and coupons, the Bank will deliver to such bondholder, such refunding bonds, together with all cash paid to it for the account of the bondholder upon a receipt therefor duly executed by the bondholder, or by his duly authorized agent or attorney.

NINTH: This agreement shall terminate in the event either of the aforesaid Committees, or the City, shall declare the aforesaid refunding plan to be abandoned, in which event the Bank shall return to the bondholder the above described bonds and coupons, together with any cash then held for the account of said bondholder.

TENTH: The Compensation of the Bank for acting as fiscal agent, shall be paid by the bondholder, which compensation is fixed as five per cent. of the cash collected, and a fee equal to Two and 50/100 ($2.50) Dollars per thousand dollars principal amount with a minimum fee of Five ($5.00) Dollars of the bonds deposited.

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their seals, as of the date herein above set forth.

_____

_____

_____

Resolution authorizing the City Manager to request the Board of Financial Control for a temporary budget for the month of September, 1936, was upon motion of Councilman Carland, seconded by Councilman Shuford, unanimously adopted.

RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF ASHEVILLE TO REQUEST THE BOARD OF FINANCIAL CONTROL FOR A TEMPORARY BUDGET FOR THE MONTH OF SEPTEMBER, 1936.

WHEREAS, the new budget for the City of Asheville for the year 1936-37 not having been completed; and

WHEREAS, it is necessary for the City of Asheville to have funds with which to operate for the month of September, 1936;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager be and he is hereby authorized and directed to secure permission from the Board of Financial Control to operate the City of Asheville for the month of September, 1936 under a temporary budget for that month of $50,000.00.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

SECONDED BY: Robert E. Shuford
Councilman

Read, approved and adopted, this 27th day of August, 1936.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
A. Hall Johnston
Corporation Counsel

Upon motion of Councilman Shuford, seconded by Councilman Carland, resolution authorizing the Mayor to execute quit-claim deed was unanimously adopted.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
2650	Mrs. W. Z. Penland	65	15	6	Hilliard B. Atki... Receiver of the ... can National Ban...

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the city of Asheville to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

SECONDED BY Eugene Carland
Councilman

Read, approved and adopted, this 27th day of August, 1936.

Robert M. Wells
Mayor

APPROVED AS TO FORM:
A. Hall Johnston
Corporation Counsel.

On motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday ,September 3, 1936 -- 4:30 P.M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, J. C. Vance, Jacob F. Weaver, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Asst. Corporation Counsel Philip C. Cocke, Jr. The minutes of the previous meeting were read and approved.

PLAYGROUND COMMITTEE REPORT

Councilman Bryson reported for committee appointed last week to work with the City Manager in securing play grounds and supervised play ground program, that a lot had been secured in the Grove Park section and that the mothers and children were well pleased with the progress made.

On motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, Sept. 10, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Shuford, J. C. Vance, Jacob F. Weaver, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Asst. Corporation Counsel. The minutes of the previous meeting were read and approved.

FANNY B. MCCOY

Miss Fannie B. McCoy asked the Council to assist Mrs. Emma Gentry and twelve other needy families to secure assistance in getting work with the WPA or food from the Welfare Dept. Mayor Wells told them he would personally see that they were helped.

W. S. BURTON
SAND HILL ROAD BED

W. C. Hampton, Attorney for W. S. Burton, asked that the sale of a small strip of land, part of the old Sand Hill roadbed be authorized, in order to clear up title of W. S. Burton's property. This was referred to the City Manager and Corporation Counsel for investigation and report.

FRONT

CLAIM DEED

Resolution authorizing the Mayor to execute quit-claim deed, was on motion of Councilman Carland, seconded by Councilman Weaver, unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has ontained title to any real estate the power and authority to reconvey to the original owner property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
1335	Montview Acres, Inc	79,80 81,82	7	4	Hanes Investment Company

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: Jacob F. Weaver
Councilman

Read, approved and adopted, this 10th day of September, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

On motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, September 17, 1936--4:30 P.M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen J. E. Divelbiss, Jr., Robert E. Shuford, J. C. Vance, Jacob F. Weaver, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Assistant Corporation Counsel. Minutes of the previous meeting were read and approved.

FANNIE B. McCOY

Miss Fannie B. McCoy reported a number of families that needed relief, and ask the assistance of the Council to secure this aid.

W. S. BURTON
[illegible] ROAD ST[illegible]

Mr. Burdette, City Manager, reported to the Council that Mr. Philip C. Cocke, Jr. Assistant Corporation Counsel and Mr. W. C. Hampton, attorney for Mr. Burton, were working out a solution which he believed would be satisfactory to Mr. Burton, on the Sand Hill Road strip of land.

GENERAL OUTDOOR ADVERTISING [illegible]

Mr. Burdette presented lease between the City of Asheville and the General Outdoor Advertising Company for the period of one year. It was moved by Councilman Vance, seconded by Councilman Shuford that the lease be signed by Mayor Wells, and entered into for a period of one year. This was unanimously passed.

REQUEST FOR CITY OWNED [illegible]

Mr. Philip C. Cocke, Jr., Assistant Corporation Counsel said he had been requested to ask permission of the City Council to place a broken set of law books belonging to the City, and now stored in a room in the rear of the Police Department in the Law Library in the Court House; these books to be loaned or stored in the Law Library where they might be used. Mayor Wells appointed The City Manager, P. M. Burdette, Councilman Robert E. Shuford and Asst. Corporation Counsel Philip C. Cocke, Jr. as a committee to confer on this request.

INTERNATIONAL CITY MANAGER'S [illegible]

A letter was read from Clarence E. Ridley, Executive Director of the International City Managers' Association to the Mayor and City Council urging them to attend Convention to be held in Richmond, Va., October 19-21, as well as to send their City Manager, to the Annual Conference of the International City Managers. Mr. Burdette reported he expected to attend.

On Motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk.

Thursday, Sept. 24, 1936--4:30 P.M.

The City Council met in regular session Mayor Wells presiding. There being a lack of quorum present Mayor Wells recessed said meeting until 11 A.M. Saturday, September 26, 1936.

R. M. Wells
Mayor

[illegible]
City Clerk

Saturday, Sept.26, 1936--11 o'clock A.M.

Pursuant to recess, the City Council met with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, J. C. Vance, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Asst. Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meetings were read and approved.

Communication from Paul V. Betters, Executive Director of the United States Conference of Mayors was read, extending to the members of the City Council an invitation to attend the Annual Conference of the United States Conference of Mayors to be held in Washington on November 16-18.

An invitation was read to members of the City Council to attend a Gallery Tour at 3:30 P.M. Sunday, Sept. 27, at the Ida Jolly Crawley Museum.

P. M. Burdette, City Manager, presented resolution adopting budget of the City of Asheville for the fiscal year beginning July 1, 1936 and ending June 30, 1937, which upon motion of Councilman Eugene Carland, Seconded by Councilman J. C. Vance, was unanimously adopted.

RESOLUTION ADOPTING THE BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1936, and ENDING JUNE 30, 1937.

WHEREAS, the City Manager of the City of Asheville presented to the City Council this the 8th day of September, 1936, the operating and debt service budget for the City of Asheville for the fiscal year beginning July 1, 1936 and ending June 30, 1937, and the budget as presented shows the amount to be expended for the operation of the various departments of the City of Asheville and the amount levied for debt service as follows:

(a)	General Government	$131,913.20
(b)	Law	25,742.50
(c)	Finance	23,767.76
(d)	Public Welfare	41,705.48
(e)	Public Safety	245,274.68
(f)	Libraries	18,180.00
(g)	Civil Service	600.00
(h)	Public Works	244,297.32
(i)	Engineering	8,762.60
	Total operating	740,243.54
	Debt Service	475,000.00
	Total Appropriations	$1,215,243.54

WHEREAS, the City Manager of the City of Asheville presented to the City Council on the day above mentioned the City of Asheville of Asheville school debt service in the amount of $48,500.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the budget as presented to the City Council by the City Manager on the 26th day of September, 1936 covering the City of Asheville operating and debt service appropriations and the City of Asheville school debt service, as outlined above, the total being $1,215,243.54 for operating and debt service appropriations and $48,500.00 for City of Asheville school debt service, be approved and the same is hereby adopted as the budget and debt service of the City of Asheville for the fiscal year 1936-1937.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: J. C. Vance
Councilman

Read, approved and adopted, this 26th day of September, 1936.

Mayor

APPROVED AS TO FORM:

City Clerk

CORPORATION COUNSEL.

Approved by the Board of Financial Control at its meeting held on the ___ day of _____, 1936.

CHAIRMAN

ATTEST:

SECRETARY.

On motion, adjourned.

Mayor.

City Clerk

Thursday, October 1, 1936--4:30 P.M.

The City Council met in regular session, Mayor Wells Presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, Jacob F. Weaver, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, A. Hall Johnston, Corporation Counsel, and Assistant Corporation Counsel Philip C. Cocke, Jr. The minutes of the previous meeting were read and approved.

ORDINANCE NO. 239 --FIRST READING

An Ordinance adopting and appropriating the operating budget of the City of Asheville for the fiscal year 1936-1937 was upon motion of Councilman Carland, seconded by Councilman Bryson, unanimously passed on its first reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Shuford voted "aye", Councilman Weaver voted "aye", Councilman Carland voted "aye",&Councilman Wells voted "Aye.

QUIT CLAIM DEED

Resolution authorizing the Mayor to execute quit-claim deed was upon motion of Councilman Weaver, seconded by Councilman Carland, unanimously adopted.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City Council of the City of Asheville passed a resolution on August 13, 1936 directing that Lot 6, Block H, Plat Book 3, page 4, be sold at public auction at the Court House door of Buncombe County; and

WHEREAS, said lot was sold on Septe,ber 14, 1936, at which time Zeb F. Curtis, agent for Clara R. Williams, bid in said lot for $500.00;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to Clara R. Williams for said property.

I move the adoption of the foregoing resolution.

Jacob F. Weaver
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted, this 1 day of October, 1936.

R. M. Wells
Mayor

APPROVED AS TO FORM:
A. Hall Johnston
Corporation Counsel.

Glenn Morris
City Clerk

Resolution authorizing the Mayor to execute quit-claim deed was upon motion of Councilman Shuford, seconded by Councilman Divelbiss, unanimously passed.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1926; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
4469	James Scroggs, Susie Scroggs and Stella Ellis	23	12	5	Mrs. Virginia Fortune Hooks

WHEREAS, the total amount of taxes now due on said property are $685.60, and the rents collected by the city on said property amount to $374.26;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upom payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the city of Asheville, and that the rents collected by the City on said property be applied to the payment of said taxes.

I move the adoption of the foregoing resolution.

Robert E. Shuford, Councilman

Seconded by: J. E. Divelbiss, Jr., Councilman

Read, approved and adopted, this 1st day of October, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
A. Hall Johnston
Corporation Counsel.

James S. Howell, Attorney, presented claim of Ella Landrum for alleged property damages as a result of a defective storm sewer on the South side of Livingston Street.

TO THE HONORABLE MAYOR AND
COUNCILMEN OF THE CITY OF ASHEVILLE,
ASHEVILLE, N. C.

You will please take notive that the undersigned, Ella Landrum, pursuant to Section 244 of the City Charter of the City of Asheville, hereby claims and demands damages of the City of Asheville, as the result of damage to property of this claimant, located on the south side of Licingston Street in the City of Asheville, North Carolina, and being known as 196 Livingston Street, in said City by reason of defective storm sewer on the South side of Livingston Street, which is approximately ten feet east of this claimant's home running under the sidewalk.

This claimant respectfully represents to you gentlemen that there was a defective storm sewer until the same was repaired on Friday, September 25, 1936, which is almost in front of this claimant's homr, on the same side of the street.

That this claimant had repeatedly reported said storm sewer to the agents and employees of the City of Asheville, as being out of repair.

That heavy rains during the months of July, August and September, 1936, and especially heavy rains on Thursday, September 17, 1936, Sunday September 20, 1936, and Monday, September 21, 1936, caused water to flow into and out of the sides of the said storm sewer, said water then flowing under the sidewalk, into the front porch and under her home, greatly damaging her property as is hereinafter set out.

That when said rains went under said house they caused dampness and decay of floors in basement of her home, caused base of furnace to rust, caused large quantities of dirt to wash from under her home, and caused tenants to move out of the basement, resulting in loss of rentals to this claimant.

As a consequence of the negligence of the City of Asheville in leaving said storm sewer in defective condition, the home of this claimant has been greatly injured and damaged as aforesaid, in the sum of Fifteen Hundred ($1500.00) Dollars, and this claimant, through her counsel, respectfully demands payment.

ELLA LANDRUM

By James S. Howell
Attorney

Upon motion, this claim was referred to the Corporation Counsel and the City Manager.

CLAIM--GEORGE P. STREET

DeVere Lentz, Attorney, presented claim of George P. Street for collections on certificates of property purchased by George P. Street from the City of Asheville. Upon motion this claim was referred to the City Manager.

STATE OF NORTH CAROLINA }
COUNTY OF BUNCOMBE. } NOTICE OF CLAIM

Honorable Mayor and City Council of the City of Asheville, during the years of 1929, 1930, 1931 and 1932, Mr. George P. Street purchased from the City of Asheville approximately TWO HUNDRED AND SEVENTY THOUSAND ($270,000) DOLLARS worth of tax certificates and the City would collect on these certificates and at a later date remit to Mr. Street or either have him draw a draft with the certificates attached.

In checking over the records, I find that the City has made collection on the following items and has never remitted.

S. M. Stevens, Certificate No. 5386, 1927 City taxes, for exemption issued by Buncombe County Tax Commission, paid February 22, 1930. Mr. Padgett has this exemption in his ofice.

Amount		$ 40.50
6% interest from February 22, 1930		15.80
	Total----	$ 56.30

E. B. Birmingham, Certificate, No. 1078, 1928 City taxes.

Amount		$ 68.80
6% interest from December 22, 1933		10.32
	Total ---	$ 79.12

J. G. Lowe Estate, Certificate No. 5263		$ 474.45
6% interest from January 31, 1931		156.57
	Total ---	$ 631.02

L. W. Hill, Certificate No. 818, 1928 city taxes.

	Amount	149.16
6% interest from January 31, 1931		49.22
	Total ---	$ 198.38

The following items are items which the City collected on the certificates of the property which included personal property, although the City collection from Mr. Street the personal property.

J. Mardes, Certificate No. 1973, 1928 city taxes.

Amount		
6% interest from January 31, 1931		$ 29.65
Total		9.78
		$ 39.43

J. Hobert Allport, Certificate No. 4010
City taxes for 1929.

Amount	$ 56.61
6% interest from October 7, 1933	10.19
Total --	$ 66.80

N. P. Hughes, Certificate No. 1249

Amount	$ 8.02
6% interest from September 6, 1938	1.44
Total --	$ 9.46

J. B. Bradford, Certificate No. 5353
& 1092, 1928 and 1929 city taxes

Amount	$ 26.33
6% interest from September 6, 1933	4.74
Total--	$ 31.07

Herbert J. Allport, Certificate No. 6
1928 city taxes

Amount	$ 84.96
6% interest from September 6, 1933	15.26
Total --	100.22

The following items were certificates where suit was brought on and the Court set aside the judgments as being invalid, due to some improper listing of property, and held that the certificates were an invalid lien.

William Jones Estate, Certificate No. 5224, 1929 city taxes, Judgment recorded in Book 31 at Page 44, judgment set aside by Court June 19, 1933.

Amount	$ 343.46
6% interest from June 19, 1933	61.82
Total --	$ 405.28

Mary Dailey, Certificate No. 360, 1928
City taxes. Judgment recorded in Book 79, Page 327, judgment set aside April 25, 1932.

Amount	$ 140.44
6% interest from April 25, 1932	33.71
Total ---	$ 174.15

TOTAL ---------- $ 1,791.23

Wherefore. the said George P. Street through and by his attorney, Devere C. Lentz, respectfully requests that he be paid the aforesaid sum of SEVENTEEN HUNDRED NINETY ONE DOLLARS AND TWENTY THREE CENTS ($1791.23) by the City of Asheville, the same being the amounts so collected by the said City belonging to him as set out in the foregoing and annexed itemized stated.

DeVere C. Lentz
Attorney for George P. Street

M. A. James, Attorney, called the Council's attention to a dangerous curve on the Hendersonville Road, near the Biltmore High School, where several bad wrecks had occurred recently. This was referred to the City Manager.

On motion, adjourned.

Mayor. Elaine Morris
City Clerk

Thursday, October 8, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, J. C. Vance, Jacob F. Weaver, Robert M. Wells, Corporation Counsel A. Hall Johnston and Asst. Corporation Counsel Philip C. Cocke, Jr. The minutes of the previous meeting were read and approved.

MRS. M. L. WILLIAMS CLAIM

Ellis Jones, Attorney presented claim for personal injury to Mrs. M. L. Williams. This claim was referred to the City Manager for investigation and report.

Buncombe County
North Carolina Notice of personal Injury

To the City Manager, Mayor and
City Council of the City of
Asheville, N. C.

Take notice that Mrs. M. L. Williams on the 27th day of August, 1936, on the sidewalk beside the fire department in the City of Asheville was severely injured by the negligence of one of the employees of the said City of Asheville.

Said injury was caused by a water hose being left lying across the sidewalk and just as the said Mrs. Williams started to step across same it was suddenly jerked or pulled back by a member of the fire department, violently throwing Mrs. Williams to the ground or sidewalk lacerating both her legs and knees, wrenching her back and hips so much so that she could not walk for several days. That she still suffers from her back with excruciating pains when she stoops or bends over and is almost constantly in pain from said injury.

That she verily believes there is a dislocated vertebra and that she is seriously and permanently injured.

That on account of said injury the said Mrs. M. L. Williams has been damaged in the sum of at least One thousand ($1000.00) dollars.

You will therefore take notice that unless said damages are settled within a reasonable time the undersigned will institute action against the City of Asheville for the collection of same.

This the 28th day of September, 1936.

Signed,

Mrs. M. L. Williams

Ellis Jones, Attorney.

C. S. BOGER
ELECTRICAL ORDINANCE

C. S. Boger, representing the Asheville Association of Electrical Contractors, asked the Council to pass a new electrical ordinance, details of which will be worked out with the City Manager and his association.

ORDINANCE NO. 239--SECOND READING

An ordinance adopting and appropriating the operating budget of the City of Asheville for the fiscal year 1936-1937 was upon motion of Councilman Carland, seconded by Councilman Bryson, passed on its second reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Shuford voted "aye" Councilman Vance voted "aye", Councilman Weaver voted "aye" and Councilman Wells voted "Aye".

RESOLUTION RE EAST BILTMORE SANITARY SEWER DISTRICT ADJUSTMENT

A resolution relative to adjustment of the debt of East Biltmore Sanitary Sewer District was upon motion of Councilman Shuford, seconded by Councilman Vance, unanimously passed.

A RESOLUTION RELATIVE TO ADJUSTMENT OF THE DEBT OF EAST BILTMORE SANITARY SEWER DISTRICT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Memorandum of Agreement between East Biltmore Sanitary Sewer District, the City of Asheville, and Frederic W. Ecker, et al., as a Bondholders' Committee organized under Deposit Agreement dated September 14, 1931, providing for the refunding of Twenty-one Thousand ($21,000) Dollars in principal amount of outstanding bonds of said District upon the basis of satisfying all interest claims accruing between July 1, 1935 and July 1, 1936 upon payment of 1% of the par value of the bonds upon which such claims accrued, the refunding bonds to be dated July 1, 1936, to mature July 1, 1976, and to bear interest at 1% from July 1, 1936 to July 1, 1939, 1¼% thereafter until July 1, 1941, 1½% thereafter until July 1, 1946, 2% thereafter until July 1, 1951, 2½% thereafter until July 1, 1956, 2 3/4% thereafter until July 1, 1961.

3¼% thereafter until July 1, 1966 and 4% thereafter until maturity, with provision that a minimum debt service levy on all the taxable property within said District not within the corporate limits of the City of Asheville be made annually by the Board of Commissioners of Buncombe County to produce $57 in the discal year 1936, $62 in the fiscal year 1937, $64 in the fiscal year 1938, $69 in each of the fiscal years 1939 and 1940, $79 in each of the fiscal years 1941 and 1942, $81 in the fiscal year 1943, $83 in the fiscal year 1944, $93 in each of the fiscal years 1945 to 1948 both inclusive, $104 in each of the fiscal years 1949 and 1950, $106 in the fiscal years 1951, $108 in the fiscal year 1952, $116 in each of the fiscal years 1953 to 1956 both inclusive, $127 in each of the fiscal years 1957 to 1960 both inclusive, $135 in each of the fiscal years 1961 to 1964 both inclusive, $140 in each of the fiscal years 1965 to 1968 both inclusive, $180 in each of the fiscal years 1969 through 1975; and that a minimum debt service levy on all the taxable property within said District lying within the corporate limits of the City of Asheville be made annually by the governing body of the City of Asheville to produce $293 in the fiscal year 1936, $319 in the fiscal year 1937, $330 in the fiscal year 1938, $351 in each of the fiscal years 1939 and 1940, $405 in each of the fiscal years 1941 and 1942, $415 in the fiscal year 1943, $426 in the fiscal year 1944, $479 in each of the fiscal years 1945 to 1948 both inclusive, $532 in the fiscal years 1949 and 1950, $543 in the fiscal year 1951, $554 in the fiscal year 1952, $596 in each of the fiscal years 1953 to 1956 both inclusive, $650 in each of the fiscal years 1957 to 1960 both inclusive, $692 in each of the fiscal years 1961 to 1964 both inclusive, $719 in each of the fiscal years 1965 to 1968 both inclusive, and $745 in each of the fiscal years 1969 through 1975; draft of which agreement is submitted to this meeting, be and the same is hereby in all things approved, and the Mayor and Clerk of this Board are hereby authorized, empowered and directed to execute and deliver said Memorandum of Agreement in the name, and on behalf, of said City of Asheville.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

SECONDED BY: J. C. Vance
Councilman

Read, approved and adopted, this 8th day of October, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
A. Hall Johnston
CORPORATION COUNSEL

MEMORANDUM OF AGREEMENT, made and entered into this 2 day of October, 1936, by and between EAST BILTMORE SANITARY SEWER DISTRICT (hereinafter called the District), the CITY OF ASHEVILLE, AND FREDERIC W. ECKER, THOMAS F. DALY, JOHN S. HARRIS, HENRY HART, FRED P. HAYWARD, AND WILLIAM C. O'KEEFFE, as a Bondholders' Committee organized under a Deposit Agreement dated September 14, 1931, (hereinafter called the Bondholders' Committee),

W I T N E S S E T H :

WHEREAS, the representatives of the said Bondholders' Committee have met in conference with certain officials and representatives of the City of Asheville and of the Board of Commissioners of Buncombe County, the governing authority of the East Biltmore Sanitary Sewer District, for the purpose of devising a plan for refunding the outstanding indebtedness of the said District represented by bonds and notes due and to become due; and

WHEREAS, there has been evolved out of said conferences a plan of refinancing which all parties hereto believe to be advantageous to the said District, to the City of Asheville and to the creditors of the said District:

NOW, THEREFORE, in consideration of the premises, it is hereby agreed by and between the East Biltmore Sanitary Sewer District, acting by its governing body, the Board of Commissioners of Buncombe County, the City of Asheville and said Bondholders' Committee:

SECTION 1. That the outstanding obligations of said District shall be refunded in conformity with the Plan of Refinancing hereto annexed, marked Exhibit "A".

SECTION 2. The Committee agrees to surrender to the District the bonds and coupons thereto appertaining, held by it (not including any such bonds and coupons as shall be withdrawn from deposit with the Depositary of the Committee under the agreement under which said Committee is acting, and including any bonds and coupons hereafter deposited), and the District agrees contemporaneously with such surrender, and in consideration thereof, to issue to the Committee Refunding Bonds, and to make the cash payments, all in accordance with said Plan of Refinancing, and in accordance with the terms and conditions thereof, but subject to the conditions set forth in this Agreement.

SECTION 3. The Refunding Bonds to be issued under the Plan, shall be validated at the expense of the District, by proceedings instituted in the Superior Court under the Laws of North Carolina.

SECTION 4. All ordinances, resolutions and other acts and proceedings by the governing body of the District, or of any officer thereof required by the terms of the Plan; all contracts and agreements entered into by the District with third parties in pursuance of, or to effectuate the Plan; the proceedings to issue and validate the bonds therein provided for; the form, validity and effect of said bonds, and of the provisions for the levy of taxes for the payment of interest upon the Refunding Bonds, and for the retirement of the principal thereof, shall be subject to the approval of counsel for the Committee.

SECTION 5. The Committee, as soon as practicable after the execution hereof, will initiate such proceedings as its counsel shall advise to obtain the power and authority to perform the obligations of this agreement and to participate in the Plan of Refinancing.

SECTION 6. If, in the judgment of the Committee, the owners of a sufficient number of deposited bonds shall have conferred upon the Committee power and authority to perform the obligations of this agreement and to participate in the Plan of Refinancing by failing to withdraw their bonds from the Depositary of the Committee, in accordance with the terms of the Deposit Agreement under which it is acting, then the Committee shall notify the Chairman of the Board of County Commissioners, to that effect in writing.

SECTION 7. If, in the judgment of the Committee such power and authority shall not be conferred upon it by an adequate number of depositors of bonds represented by it, then this agreement shall be of no further force or effect.

IN WITNESS WHEREOF, this agreement is executed on behalf of the East Biltmore Sanitary Sewer District, by the members of the Board of County Commissioners of Buncombe County, the governing authority of said District, and on behalf of the City of Asheville by the Mayor and members of the City Council of said City, and on behalf of the Bondholders' Committee by its Chairman, this day and year first above written.

EAST BILTMORE SANITARY SEWER DISTRICT

BY H. G. REAGAN
CHAIRMAN

ATTEST:

Geo. A. Digges (Seal)
County Clerk

H. L. Parker

Sam A. Johnson
Members of the Board of County Commissioners of Buncombe County.

CITY OF ASHEVILLE,

BY R. M. Wells
MAYOR

Robert E. Shuford

J. C. Vance

Jacob F. Weaver

Holmes Bryson

Eugene Carland

J. E. Divelbiss, Jr.
Members of City Council.

ATTEST:
Glenn Morris (Seal)
City Clerk.

BONDHOLDERS' PROTECTIVE COMMITTEE FOR ASHEVILLE & BUNCOMBE COUNTY, N. C.

BY F. W. Ecker
CHAIRMAN

ATTEST:

W. D. Bradford
Secretary

EXHIBIT "A"

PLAN OF REFINANCING OF THE
OBLIGATIONS OF THE
EAST BILTMORE SANITARY SEWER DISTRICT

ARTICLE 1.
OBLIGATIONS SUBJECT TO PLAN

SECTION 1. The obligations of the East Bitlmore Sanitary Sewer District subject to this plan are all outstanding bonds and coupons representing interest upon said bonds, heretofore issued by the District and now outstanding in the sum of Twenty-one Thousand Dollars ($21,000).

ARTICLE 11.

DISPOSITION OF OBLIGATIONS SUBJECT
TO THE PLAN.

SECTION 1. The bonds of said District shall be exchanged par for par for Bonds of the East Biltmore Sanitary Sewer District.

SECTION 2. All unpaid interest claims accruing upon the outstanding bonds of said District, on or before July 1, 1935, shall be fully satisfied and cancelled upon payment by the District pro rata to the holders thereof of all moneys on hand December 31, 1935, representing the proceeds of the tax levies for district debt service (including moneys received from the City of Asheville pursuant to the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, for the payment of the interest, or principal and interest, of the bonds of the District), for the fiscal year 1934-1935 amd prior years.

SECTION 3. All interest claims accruing between July 1, 1935 and July 1, 1936, shall be satisfied by the payment of a sum equal to one per cent (1) of the face or par value of the bonds upon which such claims accrued.

ARTICLE 111.

DESCRIPTION OF REFUNDING BONDS.

SECTION 1. The Refunding Bonds to be issued pursuant to this Plan shall be dated July 1, 1936, and shall mature July 1, 1976; they shall bear interest at the following rates per annum for the following periods respectively:

1% from July 1, 1936 to 1939
1¼% thereafter until July 1, 1941;
1½% thereafter until July 1, 1946;
2% thereafter until July 1, 1951;
2¼% thereafter until July 1, 1956;
2½% thereafter until July 1, 1961;
3¼% thereafter until July 1, 1966;
4% thereafter until July 1, 1976.

Such interest shall be payable semi-annually on the first days of January and July in each year.

SECTION 2. The principal and interest of the Refunding Bonds shall be payable in lawful money of the United States of America, at the principal office of the Irving Trust Company of the City of New York, N. Y.

SECTION 3. The Refunding Bonds shall be issued in the name of the East Biltmore Sanitary Sewer District, in an amount not exceeding Twenty-one Thousand Dollars ($21,000), in such form and in such denominations as shall hereafter be determined by resolution of the Board of County Commissioners. They shall constitute general obligations of said District, and the full faith, credit and taxing power of said District shall be pledged for their payment.

ARTICLE IV.

TAXES FOR PAYMENT OF REFUNDING BONDS.

SECTION 1. The holders of the Refunding Bonds issued pursuant to this Plan, as authorized by Section 75 (e) of the Local Government Act, as amended, shall be subrogated to all of the rights and powers of the holders of the bonds surrendered in exchange for such Refunding Bonds, including the right to the levy of taxes for the payment of the principal and interest thereof upon all taxable property in said District (subject to the limitations prescribed by this Article), which were possessed by the holders of the bonds so surrendered, and to effectuate such subrogation, and as required by law, the Board of County Commissioners of Buncombe County, or its successors, as the governing body of said District, shall covenant on behalf of said District on behalf of said District (subject to the conditions hereinafter prescribed), to levy annually and collect a tax ad valorem upon all the taxable property in said District, sufficient to pay the principal and interest of the Refunding Bonds issued under this Plan, as such principal and interest becomes due; provided, however, first, that a tax for the payment of the principal of the Refunding Bonds need not be levied prior to the fiscal year in which such bonds mature, and provided, second, that no tax shall be required to be levied by the Board of County Commissioners under the provisions of this Section, so long as the District is not in default in the payment of any matured principal or interest of the Refunding Bonds and taxes for the payment of the interest upon such bonds and for the retirement of the principal thereof, are levied in the manner provided by Section 2 of this Article.

SECTION 2. The City of Asheville having annexed a portion of the territory of said District under the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, and having assumed the obligation to provide for the payment of the portion of the indebtedness in said District, which proportion is hereby determined and agreed upon between the City of Asheville and the Board of County Commissioners of Buncombe County as the governing body of said District, to be Seventeen Thousand, Five Hundred seventy-two Dollars($17,572), and the City of Asheville being obligated by the aforesaid statute to levy annually a special tax upon all taxable property in the City of Asheville for the payment of that proportion of the principal and interest of the indebtedness of the District, the City will for said purposes levy annually a special tax upon all taxable property in the City of Asheville, and pay the proceeds thereof as collected to the Board of County Commissioners of Buncombe County on behalf of the District, which tax shall be levied in the following amounts, in the fiscal years beginning in the following calendar years respectively:

1936,	$293;	1949	$532;	1962	$ 692;
1937	319;	1950	532;	1963	692;
1938	330;	1951	543;	1964	692;
1939	351;	1952	554;	1965	719;
1940	351;	1953	596;	1966	719;
1941	405;	1954	596;	1967	719;
1942	405;	1955	596;	1968	719;
1943	415;	1956	596;	1969	745;
1944	426;	1957	650;	1970	745;
1945	479;	1958	650;	1971	745;
1946	479;	1959	650;	1972	745;
1947	479;	1960	650;	1973	745;
1948	479;	1961	692;	1974	745;
				1975	745.

For the payment of so much of the principal and interest of the Refunding Bonds not assumed by the City of Asheville, as aforesaid, the Board of County Commissioners of Buncombe County, will annually levy a tax upon all taxable property of the District lying without the corporate limits of the City of Asheville in the following amounts, in the fiscal years beginning in the following calendar years respectively:

1936	$ 57;	1949	$ 104;	1963	$135;
1937	62;	1950	104;	1964	135;
1938	64	1951	106;	1965	140;
1939	69;	1952	108;	1966	140;
1940	69;	1953	116;	1967	140;
1941	79;	1954	116;	1968	140;
1942	79;	1955	116;	1969	180;
1943	81;	1956	116;	1970	180;
1944	83;	1957	127;	1971	180;
1945	93;	1958	127;	1972	180;
1946	93;	1959	127;	1973	180;
1947	93;	1960	127;	1974	180;
1948	93;	1961	135;	1975	180;
		1962	135;		

SECTION 3. It is hereby estimated that the tax levies provided for in Section 2 of this Article will be adequate to meet all interest charges upon the Refunding Bonds punctually, and to provide for the retirement of said bonds within approximately forty (40) years, and so long as the District is not in default in the payment of any matured principal or interest of the Refunding Bonds, neither the City of Asheville, nor the Board of County Commissioners shall be obligated to make any larger levy for any fiscal year than is specifically provided for that fiscal year by Section 2 of this Article.

SECTION 4. All taxes or other revenues or assets payable under the provisions of this Plan into the sinking fund hereby created for the payment of the interest upon and the retirement of the Refunding Bonds hereby provided for, shall be expressly pledged for such purposes in the manner and to the extent herein provided. Such pledges and the provisions herein made for the management, application and custody of such funds, shall be made pursuant to Section 75 (e) of the Local Government Act as amended, and they shall have the force of contract between the District and the holders of the Refunding Bonds issued pursuant to this Plan; provided, however, that nothing herein shall be construed to prevent the transfer of the custody or the management of any of said funds to any public board or agency created or provided for by any law heretofore or hereafter enacted by the General Assembly of the State of North Carolina.

SECTION 5. The right is specifically reserved of making a larger levy for any fiscal year than this Plan requires for the purpose of accelerating the retirement of the principal of the Refunding Bonds. If this right shall be exercised and should the levy for debt service for any fiscal year be increased, one-third of the dollar amount of such increase may be applied to the reduction of the debt service levy in each of the three succeeding fiscal years; provided that in no fiscal year shall the levy or appropriation be less than one and one-half times the interest requirements for the fiscal year.

SECTION 6. All taxes levied for debt service shall promptly upon collection be paid into the sinking fund provided for in Article V of this Plan, and shall be paid out only as provided in said Article.

SECTION 7. The proceeds of the sale of any real estate owned by the District which are not used to replace the properties so sold, with similar properties, shall be paid into the sinking fund provided for in Article V of this Plan.

ARTICLE V.

SINKING FUND.

SECTION 1. There shall be created a sinking fund to be known as the "East Biltmore Sanitary Sewer District Sinking Fund", into which shall be paid all revenues and assets hereby pledged for the payment of the interest upon and the retirement of the principal of the Refunding Bonds. No disbursements shall ever be made from such sinking fund, except for the payment of the interest due upon the Refunding Bonds, or in the purchase for retirement of the Refunding Bonds, in the manner hereinafter provided. No funds in the sinking fund may be used for the purchase of any bonds unless and until there is in such fund, a sum exceeding all interest payments due within the succeeding seven months, and in that event, only the excess may be so employed.

SECTION 2. Whenever the amount of money in the sinking fund exceeds the amount necessary to meet the interest payments upon the Refunding Bonds falling due within the next succeeding seven months, and the District is not in default in the payment of interest upon the Refunding Bonds, the governing body of the District, or board or agency at the time administering such sinking fund, may in its distretion call for public tenders of Refunding Bonds, and may use such excess funds in purchasing such bonds for retirement. Such purchases shall be made by calling for and accepting tenders as hereinafter provided. Fifteen (15) days prior to the date fixed for the receipt of tenders, the Board of County Commissioners, or board or agency then administering such sinking fund, shall cause to be published in a financial paper published in the Borough of Manhattan, City of New York, N. Y., and in a daily newspaper of general circulation published in the City of Asheville, North Carolina, a notice in the name of the East Biltmore Sanitary Sewer District, inviting tenders of Refunding Bonds and fixing the time and place in the City of Asheville at which such tenders will be received.

SECTION 3. Whenever the funds available for the purchase of Refunding Bonds shall exceed Three Thousand Dollars ($3,000), and such excess funds shall remain in the sinking fund for a period of ninety days, then the Board of County Commissioners, or board or agency administering the sinking fund, shall promptly call for tenders of Refunding Bonds in the manner herein provided, and shall purchase at least enough bonds to reduce the amount in such sinking fund available for the purchase of Refunding Bonds below the sum above stated. Calls for tenders under such circumstances are hereinafter referred to as "Mandatory Calls for Tenders".

SECTION 4. Tenders of Refunding Bonds shall be contained in a plain sealed envelope marked "Tenders of East Biltmore Sanitary Sewer District Refunding Bonds" and shall be opened in public on the date fixed in the notice inviting such tenders. Except in the case of mandatory calls for tenders, the governing body of the District or the board or agency then administering such sinking fund, shall have the right to reject temders or tenders in excess of a certain price. Subject to the exercise of this right, all excess funds, as defined in Section 1 of this Article, then on hand in the sinking fund, shall be applied immediately in the purchase of Refunding Bonds tendered at the lowest prices submitted.

When tenders are received, and a greater amount of bonds is tendered at the same price than funds are available in the sinking fund to purchase (after all bonds tendered at lower prices, if any, shall have been purchased) then bonds tendered at said price shall be purchased in the order in which the tenders are received. In the event there shall be on hand in the sinking fund insufficient funds to purchase all of the bonds covered by any tender otherwise acceptable under the provisions of this Plan, any of the bonds so tendered may be accepted.

SECTION 5. If at any time prior to July 1, 1966, Refunding Bonds are not offered at such public tenders, at less than par and accrued interest, in sufficient amounts as to exhaust such excess funds, as defined in Section 1 of this Article, then in the sinking fund, the Board of County Commissioners or board or agency then administering such sinking fund, may, in its discretion, invest such unexhausted portions of such excess funds in direct obligations of the United States of America to be held for the account of the sinking fund, and such investment in said obligations may continue until Refunding Bonds are tendered at less than par and accrued interest, or until the maturity date of such Refunding Bonds. The Board of County Commissioners, or the board or agency then administering such sinking fund, may, at any time sell such obligations in order to provide funds for the purchase for retirement, in the manner herein provided, of Refunding Bonds. In no event, and at no time, shall the sinking fund pay more than par and accrued interest for Refunding Bonds.

ARTICLE VI

SPECIAL [illegible] FUND

SECTION 1. A fund to be known as "Special 1934-1936 Interest Fund" shall be established for the purpose of providing for the payment of claims for interest on the outstanding bonds of the District, accrued between July 1, 1934, and [illegible], as provided in Article II of this Plan, into which shall be paid:

(a) All collections made after December 31, 1935, of [illegible] levied by the City of Asheville, or by the Board of Commissioners of Buncombe County, for the fiscal year 1934-1935, and prior years, for the servicing of the outstanding bonds of the District; and

(b) All collections of such levies made for the fiscal year 1935-1936.

SECTION 2. All surpluses of the levies referred to in the preceding section, after all interest claims upon the outstanding bonds of the District have been discharged in the manner provided in Article II of this Plan, shall be paid into the sinking fund.

ARTICLE VII.

SECURITY FOR SPECIAL FUNDS.

SECTION 1. Moneys in the sinking fund and in the special 1934-1936 Interest Fund, shall be deposited in a bank or trust company designated by the Board of County Commissioners, and shall be secured by the direct obligations of the United States, or of the State of North Carolina, in a like amount equal to such funds.

RESOLUTION [illegible]

A resolution relative to adjustment of the debt of South Buncombe Water and Water Shed District, was upon motion of Councilman Shuford, seconded by Councilman Vance, unanimously passed.

A RESOLUTION RELATIVE TO ADJUSTMENT OF THE DEBT OF SOUTH BUNCOMBE WATER AND WATER SHED DISTRICT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Memorandum of Agreement between South Buncombe Water and Water Shed District, the City of Asheville and Frederic W. Feker, et al., as a Bondholders' Committee organized under Deposit Agreement dated September 14, 1931, providing for the refunding of Four Hundred Thousand ($400,000) Dollars in principal amount of outstanding bonds of said District upon the basis of satisfying all interest claims accruing between July 1, 1935 and July 1, 1936 upon payment of 1% of the par value of the bonds upon which such claims accrued, the refunding bonds to be dated July 1, 1936, to mature July 1, 1966, and to bear interest at 1% from July 1, 1936 to July 1, 1939, 1½% thereafter until July 1, 1941, 1½% thereafter until July 1, 1946, 2% thereafter until July 1, 1951, 2½% thereafter until July 1, 1956, 2¾% thereafter until July 1, 1961, 3½% thereafter until July 1, 1966, and 4% thereafter until maturity, with provision that a minimum debt service levy on all the taxable property within said District not within the corporate limits of the City of Asheville be made annually by the Board of Commissioners of Buncombe County to produce $4,022 in the fiscal year 1936, $4,387 in the fiscal year 1937, $4,552 in the fiscal year 1938, $4,826 in the fiscal years 1939 and 1940, $5,557 in the fiscal years 1941 and 1942, $5,703 in the fiscal year 1943, $5,849 in the fiscal year 1944, $5,921 in each of the fiscal years 1945 to 1948 both inclusive, $7,312 in the fiscal years 1949 and 1950, $7,458 in the fiscal year 1951, $7,604 in the fiscal year 1952, $8,180 in each of the fiscal years 1953 to 1956 both inclusive, $8,922 in each of the fiscal years 1957 to 1960 both inclusive, $9,505 in each of the fiscal years 1961 to 1964 both inclusive, $9,377 in each of the fiscal years 1965 to 1968 both inclusive, and $10,237 in each of the fiscal years 1969 through 1975; and that a minimum debt service levy on all the taxable property within said District lying within the corporate limits of the City of Asheville be made annually by the governing body of the City of Asheville to produce $2,716 in the fiscal year 1936, $2,885 in the fiscal year 1937, $2,982 in the fiscal year 1938, $3,170 in the fiscal years 1939 and 1940, $3,655 in the fiscal year 1944, $4,328 in each of the fiscal years 1949 to 1948 both inclusive, $4,809 in the fiscal years 1949 and 1950, $4,906 in the fiscal year 1951, $5,002 in the fiscal year 1952, $5,386 in each of the fiscal years 1953 to 1956 both inclusive, $5,867 in each of the fiscal years 1957 to 1960 both inclusive, $6,252 in each of the fiscal years 1961 to 1964 both inclusive, $6,492 in each of the fiscal years 1965 to 1968 both inclusive, and $6,733 in each of the fiscal years 1969 through 1975; draft of which agreement is submitted to this meeting, be and the same is hereby in all things approved, and the Mayor and Clerk of this Board are hereby authorized, empowered and directed to execute and deliver said Memorandum of Agreement in the name, and on behalf of said City of Asheville.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

Seconded by:

J. C. Vance
Councilman

Read, approved signed, this 4th day of October, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

A. Hall Johnston
CORPORATION COUNSEL.

MEMORANDUM OF AGREEMENT, made and entered into this 2 day of October, 1936, by and between SOUTH BUNCOMBE WATER AND WATER SHED DISTRICT (hereinafter called the District), the CITY OF ASHEVILLE, AND FREDERIC W. ECKER, THOMAS F. DALY, JOHN S, HARRIS HENRY HART, FRED P. HAYWARD, AND WILLIAM C. O'KEEFFE, as a Bondholders' Committee organized under a Deposit Agreement dated September 14, 1931, (hereinafter called the Bondholders' Committee).

W I T N E S S E T H:

WHEREAS, the representatives of the said Bondholders' Committee have met in conference with certain officials and representatives of the City of Asheville and of the Board of Commissioners of Buncombe County, the governing authority of the South Buncombe Water and Water Shed District, for the purpose of devising a plan for refunding the outstanding indebtedness of the said District represented by bonds and notes due and to become due; and

WHEREAS, there has been evolved out of said conferences a plan of refinancing which all parties hereto believe to be advantageous to the said District, to the City of Asheville and to the creditors of the said District:

NOW, THEREFORE, in consideration of the premises, it is hereby agreed by and between the South Buncombe Water and Water Shed District, acting by its governing body, the Board of Commissioners of Buncombe County, the City of Asheville and said Bondholders' Committee:

SECTION 1. That the outstanding obligations of said District shall be refunded in conformity with the Plan of Refinancing hereto annexed, marked Exhibit "A".

SECTION 2. The Committee agrees to surrender to the District the bonds and coupons thereto appertaining, held by it (not including any such bonds and coupons as shall be withdrawn from deposit with the Depositary of the Committee under the agreement under which said Committee is acting, and including any bonds and coupons hereafter deposited), and the District agrees contemporaneously with such surrender, and in consideration thereof, to issue to the Committee Refunding Bonds, and to make the cash payments, all in accordance with said Plan of Refinancing, and in accordance with the terms and conditions thereof, but subject to the conditions set forth in this Agreement.

SECTION 3. The Refunding Bonds to be issued under the Plan, shall be validated at the expense of the District, by proceedings instituted in the Superior Court under the Laws of North Carolina.

SECTION 4. All ordinances, resolutions and other acts and proceedings by the governing body of the District, or of any officer thereof required by the terms of the Plan; all contracts and agreements entered into by the District with third parties in pursuance of, or to effectuate the Plan; the proceedings to issue and validate the bonds therein provided for; the form, validity and effect of said bonds, and of the provisions for the levy of taxes for the payment of interest upon the Refunding Bonds, and for the retirement of the principal thereof, shall be subject to the approval of Counsel for the Committee.

SECTION 5. The Committee, as soon as practicable after the execution hereof, will initiate such proceedings as its cougel shall advise to obtain the power and authority to perform the obligations of this agreement and to participate in the Plan of Refinancing.

SECTION 6. If, in the judgment of the Committee, the owners of a sufficient number of deposited bonds shall have conferred upon the Committee power and authority to perform the obligations of this agreement and to participate in the Plan of Refinancing by failing to withdraw their bonds from the Depositary of the Committee in accordance with the terms of the Deposit Agreement under which it is acting, then the Committee shall notify the Chairman of the Board of County Commissioners, to that effect in writing.

SECTION 7. If, in the judgment of the Committee such power and authority shall not be conferred upon it by an adequate number of depositors of bonds represented by it, then this agreement shall be of no further force or effect.

IN WITNESS WHEREOF, this agreement is executed on behalf of the South Buncombe Water and Water Shed District, by the members of the Board of County Commissioners of Buncombe County, the governing authority of said District, and on behalf of the City of Asheville by the Mayor and members of the City Council of said City, and on behalf of the Bondholders' Committee by its Chairman, this day and year first above written.

SOUTH BUNCOMBE WATER AND WATER SHED DISTRICT

BY H. G. Reagan
Chairman

W. L. Parker

Sam A. Johnson

ATTEST:

George A. Digges, Jr. (SEAL)
County Clerk

MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS OF BUNCOMBE COUNTY.

CITY OF ASHEVILLE,

By R. M. Wells
Mayor

Robert F. Stuford

J. C. Vance

Holmes Bryson

Jacob F. Weaver

Eugene Carland

J. E. Divelbiss, Jr.
Members of City Council

ATTEST:

Glenn Morris (SEAL)
City Clerk

BONDHOLDERS' PROTECTIVE COMMITTEE FOR ASHEVILLE & BUNCOMBE COUNTY, N. C.

By F. C. Ecker
Chairman

ATTEST:

W. D. Bradford
Secretary

EXHIBIT "A"
PLAN OF REFINANCING
OF THE
OBLIGATIONS OF THE
SOUTH BUNCOMBE WATER AND WATER SHED DISTRICT

ARTICLE I
OBLIGATIONS SUBJECT TO PLAN

SECTION 1. The obligations of the South Buncombe Water and Water Shed District subject to this plan are all outstanding bonds and coupons representing interest upon said bonds, heretofore issued by the District and now outstanding in the sum of Four Hundred Thousand Dollars ($400,000).

ARTICLE II
DISPOSITION OF OBLIGATIONS SUBJECT
TO THE PLAN.

SECTION 1. The bonds of said District shall be exchanged par for par for Refunding Bonds of the South Buncombe Water and Water Shed District.

SECTION 2. All unpaid interest claims accruing upon the outstanding bonds of said District, on or before July 1, 1935, shall be fully satisfied and cancelled upon payment by the District pro rata to the holders thereof of all moneys on hand December 31, 1935, representing the proceeds of the tax levies for district debt service (including moneys received from the City of Asheville pursuant to the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, for the payment of the interest, or principal and interest, of the bonds of the District), for the fiscal year 1934-1935 and prior years.

SECTION 3. All interest claims accruing between July 1, 1935, and July 1, 1936, shall be satisfied by the payment of a sum equal to one per cent (1%) of the face or par value of the bonds upon which such claims accrued.

ARTICLE III
DESCRIPTION OF REFUNDING BONDS.

SECTION 1. The Refunding Bonds to be issued pursuant to this Plan shall be dated July 1, 1936, and shall mature July 1, 1976; they shall bear interest at the following rates per annum for the following periods respectively;

1% from July 1, 1936 to 1939
1½% thereafter until July 1, 1941;
1½% thereafter until July 1, 1946;
2% thereafter until July 1, 1951;
2½% thereafter until July 1, 1956;
2¾% thereafter until July 1, 1961;
3½% thereafter until July 1, 1966; and
4% thereafter until July 1, 1976.

Such interest shall be payable semi-annually on the first days of January and July in each year.

SECTION 2. The principal and interest of the Refunding Bonds shall be payable in lawful money of the United States of America, at the principal office of the Irving Trust Company in the City of New York, N. Y.

SECTION 3. The Refunding Bonds shall be issued in the name of the South Buncombe Water and Water Shed District, in an amount not exceeding Four Hundred Thousand Dollars ($400,000), in such form and in such denominations as shall hereafter be determined by resolution of the Board of County Commissioners. They shall constitute general obligations of said District, and the full faith, credit and taxing power of said District shall be pledged for their payment.

ARTICLE IV.
TAXES FOR PAYMENT OF REFUNDING BONDS.

SECTION 1. The holders of the Refunding Bonds issued pursuant to this Plan as authorized by Section 75 (e) of the Local Government Act, as amended, shall be subrogated to all of the rights and powers of the holders of the bonds surrendered in exchange for such Refunding Bonds, including the right to the levy of taxes for the payment of the principal and interest thereof upon all taxable property in said District (subject to the limitations prescribed by this Article), which were possessed by the holders of the bonds so surrendered, and to effectuate such subrogation, and as required by law, the Board of County Commissioners of Buncombe County, or its successor, as the governing body of said District, shall covenant on behalf of said District (subject to the conditions hereinafter prescribed), to levy annually and collect a tax ad valorem upon all the taxable property in said District, sufficient to pay the principal and interest of the Refunding Bonds issued under this Plan, as such principal and interest become due; provided, however, first that a tax for the payment of the principal of the Refunding Bonds need not be levied prior to the fiscal year in which such bonds mature, and provided second, that no tax shall be required to be levied by the Board of County Commissioners under the provisions of this Section, so long as the District is not in default in the payment of any matured principal or interest of the Refunding Bonds and taxes for the payment of the interest upon such bonds and for the retirement of the principal thereof, are levied in the manner provided by Section 2 of this Article.

SECTION 2. The City of Asheville having annexed a portion of the territory of said District under the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, and having assumed the obligation to provide for the payment of the portion of the indebtedness in said District, which proportion is hereby determined and agreed upon between the City of Asheville and the Board of County Commissioners of Buncombe County as the governing body of said District, to be One Hundred Fifty-eight Thousand Seven Hundred Six Dollars ($158,706), and the City of Asheville being obligated by the aforesaid statute to levy annually a special tax upon all taxable property in the City of Asheville for the payment of that proportion of the principal and interest of the indebtedness of the District, the City will for said purposes levy annually a special tax upon all taxable property in the City of Asheville, and pay the proceeds thereof as collected to the Board of County Commissioners of Buncombe County on behalf of the District, which tax shall be levied in the following amounts, in the fiscal years beginning in the following calendar years respectively:

1936,	$ 2,445;	1949,	$ [illegible]
1937,	[illegible];	1950,	[illegible]
1938,	[illegible];	1951,	[illegible]
1939,	3,174;	1952,	[illegible]
1940,	[illegible];	1953,	[illegible]
1941,	[illegible];	1954,	[illegible]
1942,	3,751;	1955,	[illegible]
1943,	[illegible];	1956,	[illegible]
1944,	[illegible];	1957,	[illegible]
1945,	[illegible];	1958,	[illegible]
1946,	[illegible];	1959,	[illegible]
1947,	[illegible];	1960,	[illegible]
1948,	[illegible];	1961,	[illegible]
		1962,	[illegible]

		1963,	$ [illegible]
		1964,	[illegible]
		1965,	[illegible]
		1966,	[illegible]
		1967,	[illegible]
		1968,	[illegible]
		1969,	[illegible]
		1970,	[illegible]
		1971,	[illegible]
		1972,	[illegible]

For the payment of [illegible] not assumed by the City of [illegible], Buncombe County, will annually [illegible] lying without the corporate [illegible] the fiscal years beginning in the following calendar years respectively:

1936	$ 4,722;	1949,	$ [illegible]
1937	4,587;	1950,	[illegible]
1938,	4,533;	1951,	[illegible]
1939,	4,826;	1952,	[illegible]
1940,	[illegible];	1953,	[illegible]
1941,	[illegible];	1954,	[illegible]
1942,	5,557;	1955,	[illegible]
1943,	5,703;	1956,	[illegible]
1944,	5,849;	1957,	[illegible]
1945,	6,521;	1958,	[illegible]
1946,	6,581;	1959,	[illegible]
1947,	6,581;	1960,	[illegible]
1948,	6,581;	1961,	[illegible]
		1962,	[illegible]

		1963,	$ [illegible]
		1964,	[illegible]
		1965,	[illegible]
		1966,	[illegible]
		1967,	[illegible]
		1968,	[illegible]
		1969,	[illegible]
		1970,	[illegible]
		1971,	[illegible]
		1972,	[illegible]

SECTION 3. It is hereby estimated that the tax levied [illegible] 2 of this Article, will be sufficient to meet all interest [illegible] Bonds punctually, and to provide for the retirement of said bonds within forty (40) years, and so long as the District is not in default in the payment of matured principal or interest on the Refunding Bonds, neither the Board of County Commissioners nor the Board of County Commissioners shall be obligated to make any levy for any fiscal year then is specifically [illegible] Article.

SECTION 4. All taxes or other revenues or assets [illegible] of this Plan into the sinking fund hereby created for the payment of the interest and the retirement of the Refunding Bonds hereby provided for, shall be exclusively pledged for such purposes in the manner and to the extent herein provided. [illegible] and the provisions herein made for the management, application and custody of said [illegible] shall be made pursuant to Section 75 (e) of the Local Government Act, as amended, and they shall have the force of contract between the District and the holders of the Refunding Bonds issued pursuant to this Plan; provided, however, that nothing herein shall be construed to prevent the transfer of the custody or the management of any of said funds to any public board or agency created or provided for by any law heretofore or hereafter enacted by the General Assembly of the State of North Carolina.

SECTION 5. The right is specifically reserved of making a larger levy for any fiscal year than this Plan requires for the purpose of [illegible] of the principal of the Refunding Bonds. If this right shall be exercised and [illegible] the levy for debt service for any fiscal year be increased, one-third of the [illegible] of such increase may be applied to the reduction of the debt service levy in each of the three succeeding fiscal years; provided that in no fiscal year shall the levy or appropriation be less than one and one-half times the interest requirements for the fiscal year.

SECTION 6. All taxes levied for debt service shall promptly upon collection be paid into the sinking fund provided for in Article V of this Plan, and shall be [illegible] out as provided in said Article.

SECTION 7. The proceeds of the sale of any real estate owned by the District which are not used to replace the properties so sold, with similar properties, shall be paid into the sinkind fund provided for in Article V of this Plan.

ARTICLE V.
SINKING FUND.

SECTION 1. There shall be created a sinking fund to be known as the "South Buncombe Water and Water Shed District Sinking Fund", into which shall be paid all revenues and assets hereby pledged for the payment of the interest upon and the retirement of the principal of the Refunding Bonds. No disbursements shall ever be made from such sinking fund, except for the payment of the interest due upon the Refunding Bonds,

or by the ... of the Refunding Bonds, in the manner hereinafter ... Funds in the sinking fund may be used for the purchase of any bonds ... unless all of said issue is in one lot, a sum exceeding all interest payments due ... the next ... months, and in that event, only the excess may be so employed.

SECTION 4. Whenever the amount of money in the sinking fund exceeds the sum ... interest ... upon the Refunding Bonds falling due within ... months, and the District is not in default in the payment of ... from the Refunding Bonds, the governing body of the District, or board or ... administering such sinking fund, may in its discretion call for public ... of Refunding Bonds, and may use such excess funds in purchasing such bonds for retire... ... shall be made by calling for and accepting tenders as hereinafter provi... ... in the date fixed for the receipt of tenders, the Board of Co... Commissioners, or board or agency then administering such sinking fund, shall cause ... ... published in the Borough of Manhattan, City of New York, ... N. Y., and in ... newspaper of general circulation published in the City of Asheville, ... North Carolina, a notice in the name of the South Buncombe Water and Water Sjed District ... ... of Refunding Bonds and giving the time and place in the City of Asheville ... which said tenders will be received.

SECTION 3. Whenever the funds available for the purchase of Refunding Bonds ... exceed Twenty-five Thousand Dollars ($25,000), and such excess funds shall remain in ... sinking fund for a period of ninety days, then the Board of County Commissioners, or ... or agency then administering the sinking fund, shall promptly call for tenders of Refu... ... the manner herein provided, and shall purchase at least enough bonds to ... the amount in such sinking fund available for the purchase of Refunding Bonds below ... sum above stated. Calls for tenders under such circumstances are hereinafter referred ... as "Mandatory Calls for Tenders".

SECTION 4. Tenders of Refunding Bonds shall be contained in a plain sealed en... ... below marked "Tender of South Buncombe Water and Water Shed District Refunding Bonds" ... and shall be opened in public on the date fixed in the notice inviting such tenders. ... Except in the case of mandatory calls for tenders, the governing body of the District ... or the board or agency then administering such sinking fund, shall have the right to ... reject all tenders or tenders in excess of a certain price. Subject to the exercise ... this right, all excess funds, as defined in Section 1 of this Article, then on hand in ... the sinking fund, shall be applied immediately in the purchase of Refunding Bonds ... tendered at the lowest prices submitted.

When tenders are received, and a greater amount of bonds is tendered at the ... price then funds are available in the sinking fund to purchase (after all bonds tender... ... at lower prices, if any, shall have been purchased), then bonds tendered at said price ... shall be purchased in the order in which the tenders are received. In the event there ... shall be on hand in the sinking fund insufficient funds to purchase all of the bonds ... covered by any tender otherwise acceptable under the provisions of this Plan, any of the ... bonds so tendered may be accepted.

SECTION 5. If at any time prior to July 1, 1966, Refunding Bonds are not offe... ... at such public tenders, at less than par and accrued interest, in sufficient amounts ... to exhaust such excess funds, as defined in Section 1 of this Article, then in the sin... ... fund, the Board of County Commissioners, or board or agency then administering such s... ... fund, may, in its discretion, invest such unexhausted portions of such excess fund... ... in direct obligations of the United States of America, to be held for the account of ... sinking fund, and such investment in said obligations may continue until Refunding Bo... ... are tendered at less than par and accrued interest, or until the maturity date of such ... Refunding Bonds. The Board of County Commissioners, or the board or agency then adm... ...ering such sinking fund, may at any time sell such obligations in order or provide fu... ... for the purchase for retirement, in the manner herein provided, of Refunding Bonds. ... no event, and at no time, shall the sinking fund pay more than par and accrued interest ... for Refunding Bonds.

ARTICLE VI.
SPECIAL INTEREST FUND.

SECTION 1. A fund to be known as "Special 1935-1936 Interest Fund" shall be ... established for the purpose of providing for the payment of claims for interest upon ... outstanding bonds of the District, accrued between July 1, 1935, and July 1, 1936, as ... provided in Article II of this Plan, into which shall be paid:

(a) All collections made after December 31, 1935, of debt service taxes, levi... ... by the City of Asheville, or by the Board of Commissioners of Buncombe County, for the ... fiscal year 1934-1935, and prior fiscal years, for the servicing of the outstanding b... ... of the District; and

(b) All collections of such levies made for the fiscal year 1935-1936.

SECTION 2. All surpluses of the levies referred to in the proceeding Section ... after all interest claims upon the outstanding bonds of the District have been discha... ... in the manner provided in Article II of this Plan, shall be paid into the sinking fu...

ARTICLE VII
SECURITY FOR SPECIAL FUNDS.

SECTION 1. Moneys in the sinking fund and in the Special 1935-1936 Interest ... Fund, shall be deposited in a bank or trust company designated by the Board of County ... Commissioners, and shall be secured by the direct obligations of the United, or of the ... State of North Carolina, in a par amount equal to such funds.

A resolution relative to adjustment of the debt of Swannanoa Water and Sewer District was upon motion of Councilman Shuford, seconded by Councilman Vance, unanimously adopted.

A RESOLUTION RELATIVE TO ADJUSTMENT OF THE DEBT OF SWANNANOA WATER AND SEWER DISTRICT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Memorandum of Agreement between SWANNANOA WATER AND SEWER DISTRICT, the City of Asheville and Frederic W. Ecker, et al., as a Bondholders' Committee organized under Deposit Agreement dated September 14, 1931, providing for the refunding of One Million, Eight Hundred Seventy-three Thousand ($1,873,000) Dollars in principal amount of outstanding bonds of said District upon the basis of satisfying all interest claims accruing between July 1, 1935 and July 1, 1936, upon payment of 1% of the par value of the bonds upon which such claims accrued, the refunding bonds to be dated July 1, 1936, to mature July 1, 1976, and to bear interest at 1% from July 1, 1936 to July 1, 1939, 1½% thereafter until July 1, 1941, 1¾% thereafter until July 1, 1946, 2% thereafter until July 1, 1951, 2¼% thereafter until July 1, 1956, 2½% thereafter until July 1, 1961, 3% thereafter until July 1, 1966, and 4% thereafter until maturity, with provision that a minimum debt service levy on all the taxable property within said District, not within the corporate limits of the City of Asheville, be made annually by the Board of Commissioners of Buncombe County to produce $22,236 in the fiscal year 1936, $24,268 in the fiscal year 1937, $25,065 in the fiscal year 1938, $26,652 in the fiscal years 1939 and 1940, $30,726 in the fiscal years 1941 and 1942, $31,524 in the fiscal year 1943, $32,343 in the fiscal year 1944, $34,385 in each of the fiscal years 1945 to 1948 both inclusive, $40,429 in the fiscal years 1949, $41,238 in the fiscal year 1950, $48,046 in the fiscal year 1952, $45,280 in each of the fiscal years 1953 to 1956 both inclusive, $49,323 in each of the fiscal years 1957 to 1960 both inclusive, $52,557 in each of the fiscal years 1961 to 1964 both inclusive, $54,592 in each of the fiscal years 1965 to 1968 both inclusive, and $56,630 in each of the fiscal years 1969 through 1975; and that a minimum debt service levy on all the taxable property within said District lying within the corporate limits of the City of Asheville be made annually by the governing body of the City of Asheville to produce $8,981 in the fiscal year 1936, $9,797 in the fiscal year 1937, $10,121 in the fiscal year 1938, $10,777 in the fiscal years 1939 and 1940, $12,409 in the fiscal years 1941 and 1942, $12,736 in the fiscal year 1943, $13,063 in the fiscal year 1944, $14,695 in each of the fiscal years 1945 to 1948 both inclusive, $16,338 in the fiscal years 1949 and 1950, $16,655 in the fiscal year 1951, $16,982 in the fiscal year 1952, $18,288 in each of the fiscal years 1953 to 1956 both inclusive, $19,939 in each of the fiscal years 1957 to 1960 both inclusive, $21,226 in each of the fiscal years 1961 to 1964 both inclusive, $22,043 in each of the fiscal years 1965 to 1968 both inclusive, and $22,860 in each of the fiscal years 1969 through 1975; a draft of which agreement is submitted to this meeting, be and the same is hereby in all things approved, and the Mayor and Clerk of this Board are hereby authorized, empowered and directed to execute and deliver said Memorandum of Agreement in the name, and on behalf, of said City of Asheville.

I move the adoption of the foregoing resolution.

Robert M. Shuford
COUNCILMAN

Seconded by: J. C. Vance
Councilman

Read, approved and adopted, this 8th day of October, 1935.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
A. Hall Johnston
CORPORATION COUNSEL

MEMORANDUM OF AGREEMENT, made and entered into this 2 day of October, 1936, by and between SWANNANOA WATER AND SEWER DISTRICT (hereinafter called the District), the CITY OF ASHEVILLE, and FREDERIC W. ECKER, THOMAS F. DAILY, JOHN C. HARRIS, HENRY HART, FRED P. HAYWARD, AND WILLIAM C. O'KEEFFE, as a Bondholders' Committee organized under a Deposit Agreement dated September 14, 1931, (hereinafter called the Bondholders' Committee),

W I T N E S S E T H:

WHEREAS, the representatives of the said Bondholders' Committee have met in conference with certain officials and representatives of the City of Asheville and of the Board of Commissioners of Buncombe County, the governing authority of the Swannanoa Water and Sewer District, for the purpose of devising a plan for refunding the outstanding indebtedness of said District represented by bonds and notes due and to become due; and

WHEREAS, there has been evolved out of said conferences a plan of refinancing which all parties hereto believe to be advantageous to the said District, to the City of Asheville and to the creditors of the said District:

NOW, THEREFORE, in consideration of the premises, it is hereby agreed by and between the Swannanoa Water and Sewer District, acting by its governing body, the Board of Commissioners of Buncombe County, the City of Asheville and said Bondholders' Committee:

SECTION 1. That the outstanding obligations of said District shall be refunded in conformity with the Plan of Refinancing hereto annexed, marked Exhibit "A".

SECTION 2. The Committee agrees to surrender to the District the bonds and coupons thereto appertaining, held by it (not including any such bonds and coupons as shall be withdrawn from deposit with the Depositary of the Committee under the agreement under which said Committee is acting, and including any bonds and coupons hereafter deposited), and the District agrees contemporaneously with such surrender, and in consideration thereof, to issue to the Committee Refunding Bonds, and to make the cash payments, all in accordance with said Plan of Refinancing, and in accordance with the terms and conditions thereof, but subject to the conditions set forth in this Agreement.

SECTION 3. The Refunding Bonds to be issued under the Plan, shall be validated at the expense of the District, by proceedings instituted in the Superior Court under the Laws of North Carolina.

SECTION 4. All ordinances, resolution and other acts and proceedings by the governing body of the District, or of any officer thereof required by the terms of the Plan; all contracts and agreements entered into by the District with third parties in pursuance of, or to effectuate the Plan; the proceedings to issue and validate the bonds therein provided for; the form, validity and effect of said bonds, and of the provisions for the levy of taxes for the payment of interest upon the Refunding Bonds, and for the retirement of the principal thereof, shall be subject to the approval of counsel for the Committee.

SECTION 5. The Committee, as soon as practicable after the execution hereof, will initiate such proceedings as its counsel shall advise to obtain the power and authority to perform the obligations of this agreement and to participate in the Plan of Refinancing.

SECTION 6. If, in the judgment of the Committee, the owners of a sufficient number of deposited bonds shall have conferred upon the Committee power and authority to perform the obligations of this agreement and to participate in the Plan of Refinancing by failing to withdraw their bonds from the Depositary of the Committee, in accordance with the terms of the Deposit Agreement under which it is acting, then the Committee shall notify the Chairman of the Board of County Commissioners, to that effect in writing.

SECTION 7. If, in the judgment of the Committee such power and authority shall not be conferred upon it by an adequate number of depositors of bonds represented by it, then this agreement shall be of no further force or effect.

IN WITNESS WHEREOF, this agreement is executed on behalf of the Swannanoa Water and Sewer District, by the members of the Board of County Commissioners of Buncombe County, the governing authority of said District, and on behalf of the City of Asheville by the Mayor and members of the City Council of said City, and on behalf of the Bondholders' Committee by its Chairman, this day and year first above written.

SWANNANOA WATER AND SEWER DISTRICT

BY H. G. Reagan
Chairman

H. L. Parker

Sam A. Johnson
Members of the Board of County Commissioners of Buncombe County.

ATTEST:

Geo. A. Digges, Jr. (Seal)
County Clerk

CITY OF ASHEVILLE,

By R. M. Wells
Mayor

Robert A. Shuford

J. C. Vance

Jacob F. Weaver

Holmes Bryson

Eugene Carland

J. E. Divelbiss, Jr.
Members of City Council

ATTEST:

Glenn Morris (Seal)
City Clerk

BONDHOLDERS' PROPECTIVE COMMITEE FOR ASHEVILLE & BUNCOMBE COUNTY, N. C.

By F. W. Ecker
Chairman

ATTEST:

W. D. Bradford (Seal)
Secretary

EXHIBIT "A"

PLAN OF REFINANCING OF THE OBLIGATIONS OF THE SWANNANOA WATER AND SEWER DISTRICT.

ARTICLE 1. OBLIGATIONS SUBJECT TO PLAN

SECTION 1. The obligations of the Swannanoa Water and Sewer District subject to this plan are all outstanding bonds and coupons representing interest upon said bonds, heretofore issued by the District and now outstanding in the sum of One Million, Eight Hundred Seventy-three Thousand Dollars($1, 873, 000)

Article 11. DISPOSITION OF OBLIGATIONS SUBJECT TO THE PLAN.

SECTION 1. The bonds of said District shall be exchanged par for par for Refunding Bonds of the Swannanoa Water and Sewer District.
SECTION2
SECTION 11. All unpaid interest claims accruing upon the outstanding bonds of said District, on or before July 1,1935, shall be fully satisfied and cancelled upon payment by the District pro rata to the holders thereof of all moneys on hand December 31, 1935, representing the proceeds of the tax levied for district debt service (including moneys received from the City of Asheville

pursuant to the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, for the payment of the interest, or principal and interest, of the bonds of the District), for the fiscal year 1934-1935 and prior years.

SECTION 3. All interest claims accruing between July 1, 1935 and July 1, 1936, shall be satisfied by the payment if a sum equal to one per cent (1%) of the face or par value of the bonds upon which such claims accrued.

ARTICLE III. DESCRIPTION OF REFUNDING BONDS

SECTION 1. The refunding Bonds to be issued pursuant to this Plan shall be dated July 1, 1936, and shall mature July 1, 1976; they shall bear interest at the following rates per annum for the following periods respectively: 1% from July 1, 1936 to 1939, 1½% thereafter until July 1, 1941, 1¾% thereafter July 1, 1946, 2% thereafter until July 1, 1951, 2¼% thereafter until July 1, 1956, 2¾% thereafter until July 1, 1961, 3¼% thereafter until July 1, 1966, and 4% thereafter until July 1, 1976. Such interest shall be payable semi-annually on the first days of January and July in each year.

SECTION 2. The principal and interest of the Refunding Bonds shall be payable in lawful money of the United States of America, at the principal office of the Irving Trust Company in the City of New York, N. Y.

SECTION 3. The refunding Bonds shall be issued in the name of the Swannanoa Water and Sewer District, in an amount not exceeding One Million, Eight Hundred Seventy-three Thousand Dollars ($1, 873, 000), in such form and in such denominations as shall hereafter be determined by resolution of the Board of County Commissioners. They shall constitute general obligation of said District, and the full faith, credit and taxing power of said District shall be pledged for their payment.

ARTICLE IV. TAXES FOR PAYMENT OF REFUNDING BONDS.

SECTION 1. The holders of the Refunding Bonds issued pursuant to this Plan, as authorized by Section 75 (e) of the Local Government Act, as amended, shall be subrogated to all of the rights and powers of the holders of the bonds surrendered in exchange for such Refunding Bonds, including the right to the levy of taxes for the payment of the principal and interest thereof upon all taxable property in said District (subject to the limitations prescribed by this Article), which were possessed by the holders of the bonds so surrendered, and to effectuate such subrogation, and as required by law, the Board of County Commissioners of Buncombe County, or its successor, as the governing body of said District, shall covenant on behalf of said District (subject to the conditions hereinafter prescribed), to levy annually and collect a tax ad valorem upon all the taxable property in said District, sufficient to pay the principal and interest of the Refunding Bonds issued under this Plan, as such principal and interest become due; provided, however, first, that a tax for the payment of the principal of the Refunding Bonds need not be levied prior to the fiscal year in which such bonds mature, and provided second, that no tax shall be required to be levied by the Board of County Commissioners under the provisions of this Section, so long as the District in not in default in the payment of any matured principal or interest of the Refunding Bonds and taxes for the payment of the interest upon such bonds and for the retirement of the principal thereof, are levied in the manner provided by Section 2 of this Article.

SECTION 2. The City of Asheville having annexed a portion of the territory of said District under the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, and having assumed the obligation to provide for the payent of the portion of the indebtedness in said District, which proportion is hereby determined and agreed upon between the City of Asheville and the Board of County Commissioners of Buncombe County as the governing body of said District, to be Five Hundred Thirty-eight Thousand, Eight Hundred Thirty-nine Dollars ($538, 839), and the City of Asheville being obligated by the aforesaid statute to levy annually a special tax upon all taxable property in the City of Asheville for the payment of that proportion of the principal and interest of the indebtedness of the District, the City will for said purposes levy annually a special tax upon all taxabe property in the City of Asheville, and pay the proceeds thereof as collected to the Board of County Commissioners of Buncombe County on behalf of the District which tax shall be levied in the following amounts, in the fiscal years beginning in the following calendar years respectively:

		1949,	$16,328;	1963,	$21,226;
1936,	$8,981;	1950,	16,328;	1964,	21,226;
1937,	9,797;	1951.	16,655;	1965,	22,043;
1938,	10,123;	1952,	16,982;	1966,	22,043;
1939,	10,777;	1953,	18,288;	1967,	22,043;
1940,	10,777;	1954,	18,288;	1968,	22,043;
1941,	12,409;	1955,	18,288;	1969,	22,860;
1942,	12,409;	1956,	18,288;	1970,	22,860;
1943,	12,736;	1957,	19,920;	1971,	22,860;
1944,	13,063;	1958,	19,920;	1972,	22,860;
1945,	14,695;	1959,	19,920;	1973,	22,860;
1946,	14,695;	1960,	19,920;	1974,	22,860;
1947,	14,695;	1961,	21,226;	1975,	22,860;
1948,	14,695;	1962,	21,226;		

For the payment of so much of the principal and interest of the Refunding Bonds not assumed by the City of Asheville, as aforesaid, the Board of County Commissioners of Buncombe County, will annually levy a tax upon all taxable property of the District lying without the corporate limits of the City of Asheville in the following amounts, in the fiscal years beginning in the following calendar years respectively:

		1949,	$ 40,429;	1963,	$ 52,557;
1936	$ 22,236;	1950,	40,429;	1964,	52,557;
1937	24,256;	1951,	41,238;	1965,	54,579;
1938,	25,065;	1952,	48,046;	1966,	54,579;
1939,	26,683;	1953,	45,280;	1967,	54,579;
1940,	26,683;	1954,	45,280;	1968,	54,579;
1941,	30,726;	1955,	45,280;	1969,	56,600;
1942,	30,726;	1956,	45,280;	1970,	56,600;
1943,	31,534;	1957,	49,323;	1971,	56,600;
1944,	32,343;	1958,	49,323;	1972,	56,600;
1945,	36,385;	1959,	49,323;	1973,	56,600;
1946,	36,385;	1960,	49,323;	1974,	56,600;
1947,	36,385;	1961,	52,557;	1975,	56,600;
1948,	36,385;	1962,	52,557;		

SECTION 3. It is hereby estimated that the tax levies provided for in Section 2 of this Article, will be adequate to meet all interest charges upon the Refunding Bonds punctually, and to provide for the retirement of said bonds within approximately forty (40) years, and so long as the District is not in default in the payment of any matured principal or interest of the Refunding Bonds, neither the City of Asheville, nor the Board of County Commissioners shall be obligated to make any larger levy for any fiscal year than is specifically provided for that fiscal year by Section 2 of this Article.

SECTION 4. All taxes or other revenues or assets payable under the provisions of this Plan into the sinking fund hereby created for the payment of the interest upon and the retirement of the Refunding Bonds hereby provided for, shall be expressly pledged for such purposes in the manner and to the extent herein provided. Such pledges and the provisions herein made for the management, application and custody of such funds, shall be made pursuant to Section 75 (e) of the Local Government Act as amended, and they shall have the force of contract between the District and the holders of the Refunding Bonds issued pursuant to this Plan; provided, however, that nothing herin shall be construed to prevent the transfer of the custody or the management of any of said funds to any public board or agency created or provided for by any law heretofore or hereafter enacted by the General Assembly of the State of North Carolina.

SECTION 5. The right is specifically reserved of making a larger levy for any fiscal year then this Plan requires for the purpose of accelerating the retirement of the principal of the Refunding Bonds. If this right shall be exercised and should the levy for debt service for any fiscal year be increased, one-third of the dollar amount of such increase may be applied to the reduction of the debt service levy in each of the three succeeding fiscal years; provided that in no fiscal year shall the levy or appropriation be less than one and one-half times the interest requirements for the fiscal year.

SECTION 6. All taxes levied for debt service shall promptly upon collection be paid into the sinking fund provided for in Article V of this Plan, and shall be paid out only as provided in said Article.

SECTION 7. The proceeds of the sale of any real estate owned by the District which are not used to replace the properties so sold, with similar properties, shall be paid into the sinking fund provided for in Article V of this Plan.

ARTICLE V.

SINKING FUND.

SECTION 1. There shall be created a sinking fund to be known as the "Swannanoa Water and Sewer District Sinking Fund", into which shall be paid all revenues and assets hereby pledged for the payment of the interest upon and the retirement of the principal of the Refunding Bonds. No disbursements shall ever be made from such sinking fund, except for the payment of the interest due upon the Refunding Bonds, or in the purchase for retirement of the Refunding Bonds, in the

manner hereinafter provided. No funds in the sinking fund may be used for the purchase of any bonds unless and until there is in such fund, a sum exceeding all interest payments due within the succeeding seven months, and in the event, only the excess may be so employed.

SECTION 2. Whenever the amount of money in the sinking fund exceeds the sum necessary to meet the interest payments upon the Refunding Bonds falling due within the next succeeding seven months, and the District is not in default in the payment of interest upon the Refunding Bonds, the governing body of the District, or board or agency at the time administering such sinking fund, may in its discretion call for public tenders of Refunding Bonds, and may use such excess funds in purchasing such bonds for retirement. Such purchases shall be made by calling for and accepting tenders as hereinafter provided. Fifteen (15) days prior to the date fixed for the receipt of tenders, the Board of County Commissioners, or board or agency then administering such sinking fund, shall cause to be published in a financial paper published in the Borough of Manhattan, City of New York, N. Y., and in a daily newspaper of general circulation published in the City of Asheville, North Carolina, a notice in the name of the Swannanoa Water and Sewer District, inviting tenders of Refunding Bonds and fixing the time and place in the City of Asheville at which such tenders will be received.

SECTION 3. Whenever the funds available for the purchase of Refunding Bonds shall exceed Fifty Thousand Dollars ($50,000), and such excess funds shall remain in the sinking fund for a period of ninety days, then the Board of County Commissioners, or board or agency then administering the sinking fund, shall promptly call for tenders of Refunding Bonds in the manner herein provided, and shall purchase at least enough bonds to reduce the amount in such sinking fund available for the purchase of Refunding Bonds below the sum above stated. Calls for tenders under such circumstances are hereinafter referred to as "Mandatory Calls for Tenders".

SECTION 4. Tenders of Refunding Bonds shall be contained in a plain sealed envelope marked "Tender of Swannanoa Water and Sewer District Refunding Bonds", and shall be opened in public on the date fixed in the notice inviting such tenders. Except in the case of mandatory calls for tenders, the governing body of the District, or the board or agency then administering such sinking fund, shall have the right to reject all tenders or tenders in excess of a certain price. Subject to the exercise of this right, all excess funds, as defined in Section 1 of this Article, then on hand in the sinking fund, shall be applied immediately in the purchase of Refunding Bonds tendered at the lowest prices submitted.

When tenders are received, and a greater amount of bonds is tendered at the same price than funds are available in the sinking fund to purchase (after bonds tendered at lower prices, if any, shall have been purchased), then bonds tendered at said price shall be purchased in the order in which the tenders are received. In the event there shall be on hand in the sinking fund insufficient funds to purchase all of the bonds covered by any tender otherwise acceptable under the provisions of this Plan, any of the bonds so tendered may be accepted.

SECTION 5. If at any time prior to July 1, 1966, Refunding Bonds are not offered at such public tenders, at less than par and accrued interest, in sufficient amounts as to exhaust such excess funds, as defined in Section 1 of this Article, then in the sinking fund, the Board of County Commissioners, or board or agency then administering such sinking fund, may, in its discretion, invest such unexhausted portions of such excess funds in direct obligations of the United States of America, to be held for the account of the sinking fund, and such investment in said obligations may continue until Refunding Bonds are tendered at less than par and accrued interest, or until the maturity date of such Refunding Bonds. The Board of County Commissioners, or the board or agency then administering such sinking fund, may at any time sell such obligations in order to provide funds for the purchase for retirement, in the manner herein provided, of Refunding Bonds. In no event, and at no time, shall the sinking fund pay more than par and accrued interest for Refunding Bonds.

ARTICLE VI
SPECIAL INTEREST FUND.

SECTION 1. A fund to be known as "Special 1935-1936 Interest Fund" shall be established for the purpose of providing for the payment of claims for interest upon the outstanding bonds of the District, accrued between July 1, 1935, and July 1, 1936, as provided in Article II of this Plan, into which shall be paid:

(a) All collections made after December 31, 1935, of debt service taxes, levied by the City of Asheville, or by the Board of Commissioners of Buncombe County, for the Fiscal year 1934-1935, and prior fiscal years, for the servicing of the outstanding bonds of the District; and

(b) All collections of such levies made for the fiscal year 1935-1936.

SECTION 2. All surpluses of the levies referred to in the preceding Section, after all interest claims upon the outstanding bonds of the District have been discharged, in the manner provided in Article II of this Plan, shall be paid into the sinking fund.

ARTICLE VII.

SECURITY FOR SPECIAL FUNDS.

SECTION 1. Moneys in the sinking fund and in the Special 1935-1936 Interest Fund, shall be deposited in a bank or trust company designated by the Board of County Commissioners, and shall be secured by the direct obligations of the United States, or of the State of North Carolina, in a par amount equal to such funds.

SECTION 2 FAIRVIEW SANITARY SEWER DISTRICT.

A resolution relative to adjustment of the debt of Fairview Sanitary Sewer District was upon motion of Councilman Shuford, seconded by Councilman Vance, unanimously adopted.

A RESOLUTION RELATIVE TO ADJUSTMENT OF THE DEBT OF FAIRVIEW SANITARY SEWER DISTRICT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Memorandum of Agreement between FAIRVIEW SANITARY SEWER DISTRICT, the City of Asheville and Frederic W. Ecker, et al., as a Bondholders' Committee organized under Deposit Agreement dated September 14, 1931, providing for the refunding of Seventy-one Thousand ($71,000) Dollars in principal amount of outstanding bonds of said District upon the basis of satisfying all interest claims accruing between July 1, 1935 and July 1, 1936 upon payment of 2% of the par value of the bonds upon which such claims accrued, the refunding bonds to be dated July 1, 1936, to mature July 1, 1976, and to bear interest at 2½% from July 1, 1936 to July 1, 1966, and 4% thereafter until maturity, with provision that the City of Asheville shall pay into the sinking fund established for said refunding bonds the sum of $191.81, in full settlement of its obligation upon and to the holders of said refunding bonds; and that a minimum debt service levy on all taxable property within said District, not within the corporate limits of the City of Asheville, be made annually by the Board of Commissioners of Buncombe County to produce $2,700 in each of the fiscal years 1936 to 1940 both inclusive, $3,000 in each of the fiscal years 1941 to 1945 both inclusive, $3,500 in each of the fiscal years 1946 to 1955 both inclusive, $4,500 in each of the fiscal years 1956 to 1965 both inclusive, and $4,000 in each of the fiscal years 1966 through 1975; draft of which agreement is submitted to this meeting, be and the same is hereby in all things approved, and the Mayor and Clerk of this Board are hereby authorized, empowered and directed to execute and deliver said Memorandum of Agreement in the name, and on behalf, of said City of Asheville.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

SECONDED BY: J. C. Vance
Councilman

Read, approved and adopted, this 8th day of October, 1936.

R. W. Wells
Mayor

APPROVED AS TO FORM:
A. HALL JOHNSTON
Corporation Counsel.

Glenn Morris
City Clerk

MEMORANDUM OF AGREEMENT, made and entered into this 2 day of October, 1936, by and between FAIRVIEW SANITARY SEWER DISTRICT (hereinafter called the District), the City of Asheville, and Frederic W. Ecker, Thomas F. Daly, John S. Harris, Henry Hart, Fred P. Heyward, and William C. O'Keeffe, as a Bondholders' Committee organized under a Deposit Agreement dated September 14, 1931, (hereinafter called the Bondholders' Committee),

W I T N E S S E T H:

WHEREAS, the representatives of the said Bondholders' Committee have met in conference with certain officials and representatives of the City of Asheville and of the Board of Commissioners of Buncombe County, the governing authority of the Fairview Sanitary Sewer District, for the purpose of devising a plan for refunding the outstanding indebtedness of the said District represented by bonds and notes due and to become due; and

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WHEREAS, there has been evolved out of said conferences a plan of refinancing which all parties hereto believe to be advantageous to the said District, to the City of Asheville and to the creditors of the said District;

NOW, THEREFORE, in consideration of the premises, it is hereby agreed by and between the Fairview Sanitary Sewer District, acting by its governing body, the Board of Commissioners of Buncombe County, the City of Asheville and said Bondholders' Committee:

SECTION 1. That the outstanding obligations of said District shall be refunded in conformity with the Plan of Refinancing hereto annexed, marked Exhibit "A".

SECTION 2. The Committee agrees to surrender to the District the bonds and coupons thereto appertaining, held by it (not including any such bond and coupons as shall be withdrawn from deposit with the Depositary of the Committee under the agreement under which said Committee is acting, and including any bonds and coupons hereafter deposited), and the District agrees contemporaneously with such surrender, and in consideration thereof, to issue to the Committee Refunding Bonds, and to make the cash payments, all in accordance with said Plan of Refinancing, and in accordance with the terms and conditions thereof, but subject to the conditions set forth in this Agreement.

SECTION 3. The Refunding Bonds to be issued under the Plan, shall be validated at the expense of the District, by proceedings instituted in the Superior Court under the Laws of North Carolina.

SECTION 4. All ordinances, resolutions and other acts and proceedings by the governing body of the District, or of any officer thereof required by the terms of the Plan; all contracts and agreements entered into by the District with third parties in pursuance of, or to effectuate the Plan; the proceedings to issue and validate the bonds therein provided for; the form, validity and effect of said bonds, and of the provisions for the levy of taxes for the payment of interest upon the Refunding Bonds and for the retirement of the principal thereof, shall be subject to the approval of counsel for the Committee.

SECTION 5. The Committee, as soon as practicable after the execution hereof, will initiate such proceedings as its counsel shall advise to obtain the power and authority to perform the obligations of this agreement and to participate in the Plan of Refinancing.

SECTION 6. If, in the judgment of the Committee, the owners of a sufficient number of deposited Bonds shall have conferred upon the Committee power and authority to perform the obligations of this Agreement and to participate in the Plan of Refinancing by failing to withdraw their bonds from the Depositary of the Committee, in accordance with the terms of the Deposit Agreement under which it is acting, then the Committee shall notify the Chairman of the Board of County Commissioners, to that effect in writing.

SECTION 7. If, in the judgment of the Committee such power and authority shall not be conferred upon it by an adequate number of depositors of bonds represented by it, then this Agreement shall be of no further force or effect.

IN WITNESS WHEREOF, this Agreement is executed on behalf of the Fairview Sanitary Sewer District, by the members of the Board of County Commissioners of Buncombe County, the governing authority of said District, and on behalf of the City of Asheville by the Mayor and members of the City Council of said City, and on behalf of the Bondholders' Committee by its Chairman, this day and year first above written.

FAIRVIEW SANITARY SEWER DISTRICT

By H. G. Reagan

H. L. Parker

Sam A. Johnson
Members of the Board of County Commissioners of Buncombe County.

ATTEST:
Geo. A. Digges, Jr. (Seal)
County Clerk

CITY OF ASHEVILLE,

By R. M. Wells
Mayor

Robert E. Shuford

J. C. Vance

Holmes Bryson

Jacob F. Weaver

Eugene Carland

J. E. Divelbiss, Jr.
Members of City Council

ATTEST:

Glenn Morris (Seal)
City Clerk

ATTEST:

W. D. Bradford
Secretary

BONDHOLDERS' PROTECTIVE COMMITTEE FOR ASHEVILLE & BUNCOMBE COUNTY, N. C.

BY F. W. ECKER
CHAIRMAN

EXHIBIT "A"

PLAN OF REFINANCING OF THE

OBLIGATIONS OF THE

FAIRVIEW SANITARY SEWER DISTRICT

ARTICLE I.

OBLIGATIONS SUBJECT TO PLAN

SECTION 1. The obligations of the Fairview Sanitary Sewer District subject to this plan are all outstanding bonds and coupons representing interest upon said bonds, heretofore issued by the District and now outstanding in the sum of Seventy-One Thousand Dollars ($71,000).

ARTICLE II.

DISPOSITION OF OBLIGATIONS SUBJECT TO THE PLAN.

SECTION 1. The bonds of said District shall be exchanged par for par for Refunding Bonds of the Fairview Sanitary Sewer District.

SECTION 2. All unpaid interest claims accruing upon the outstanding bonds of said District, on or before July 1, 1935, shall be fully satisfied and cancelled upon payment by the District pro rata to the holders thereof of all moneys on hand December 31, 1935, representing the proceeds of the tax levies for district debt service (including moneys received from the City of Asheville pursuant to the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, for the payment of the interest, or principal and interest, of the bonds of the District), for the fiscal year 1934-1935 and prior years.

SECTION 3. All interest claims accrusing between July 1, 1935 and July 1, 1936, shall be satisfied by the payment of a sum equal to two per cent (2%) of the face or par value of the bonds upon which such claims accrued.

ARTICLE III.

DESCRIPTION OF REFUNDING BONDS

SECTION 1. The Refunding Bonds to be issued pursuant to this Plan shall be dated July 1, 1936 and shall mature July 1, 1976. They shall bear interest at the following rates per annum for the following periods respectively:

2½% from July 1, 1936 to July 1, 1966; and
4% thereafter until July 1, 1976.

Such interest shall be payable semi-annually on the first days of January and July in each year.

SECTION 2. The principal and interest of the Refunding Bonds shall be payable in lawful money of the United States of America, at the principal office of the Irving Trust Company in the City of New York, N. Y.

SECTION 3. The Refunding Bonds shall be issued in the name of the Fairview Sanitary Sewer District, in an amount not exceeding Seventy-One Thousand Dollars ($71,000), in such form and in such denominations as shall hereafter be determined by resolution of the Board of County Commissioners. They shall constitute general obligations of said District, and the full faith, credit and taxing power of said District shall be pledged for their payment.

ARTICLE IV.

TAXES FOR PAYMENT OF REFUNDING BONDS.

SECTION 1. The Board of County Commissioners, as the governing body of said District, shall levy annually and collect a special tax ad valorem on all taxable property in the District, as now constituted, sufficient to pay the principal and interest upon the Refunding Bonds issued pursuant to this Plan as such principal and interest becomes due; provided, however, that a tax for the payment of the principal of the Refunding Bonds need not be levied prior to the fiscal year in which said bonds mature.

SECTION 2. For the payment of the principal of and interest on the Refunding Bonds issued pursuant to this Plan, taxes shall be levied upon all taxable property in the District, as now constituted, in the following amounts in the fiscal years beginning in the following calendar years, respectively:

Year	Amount	Year	Amount	Year	Amount
1936	$ 2,700	1949	$ 3,300	1962	$ 3,500
1937	2,700	1950	3,300	1963	3,500
1938	2,700	1951	3,300	1964	3,500
1939	2,700	1952	3,300	1965	3,500
1940	2,700	1953	3,300	1966	4,000
1941	3,000	1954	3,300	1967	4,000
1942	3,000	1955	3,300	1968	4,000
1943	3,000	1956	3,500	1969	4,000
1944	3,000	1957	3,500	1970	4,000
1945	3,000	1958	3,500	1971	4,000
1946	3,300	1959	3,500	1972	4,000
1947	3,300	1960	3,500	1973	4,000
1948	3,300	1961	3,500	1974	4,000
				1975	4,000

SECTION 3. The boundaries of the District having been altered by the annexation of a portion of the territory of the District of the City of Asheville, pursuant to the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, by which annexation the City of Asheville assumed the obligation to provide for the payment of a portion of the indebtedness of the District, which portion is hereby agreed upon between the City of Asheville and the Board of County Commissioners of Buncombe County, acting as the governing body of the District, and determined to the sum of One Hundred Ninety-One Dollars and Eighty-One Cents ($191.81), the City of Asheville will pay into the sinking fund provided for in Article V of this Plan, the sum of One Hundred Ninety One Dollars and Eighty-One Cents ($191.81), in full settlement of the obligation incurred by said City to the District and to the holders of bonds of the District by reason of such annexation. The holders of the Refunding Bonds issued pursuant to this Plan shall be deemed to have assented to the change in the boundaries of the District and to the settlement of the City of Asheville's liability to the District arising out of the aforesaid annexation, upon the payment into the sinking fund of the sum above mentioned.

SECTION 4. It is hereby estimated that the tax levies provided for in Section 2 of this Article will be adequate to meet all interest charges upon the Refunding Bonds punctually, and to provide for the retirement of said bonds within approximately forty (40) years, and so long as the District is not in default in the payment of any matured principal or interest of the Refunding Bonds, the Board of County Commissioners shall not be obligated to make any larger levy for any diecal year than is specifically provided for that fiscal year by said Section 2.

SECTION 5. All taxes or other revenues or assets payable under the provisions of this Plan into the sinking fund hereby created for the payment of the interest upon and the retirement of the Refunding Bonds, shall be expressly pledged for such purposes in the manner and to the extend herein provided. Such pledges, and the provisions herein made for the management, application and custody of such funds, shall be made pursuant to Section 75 (e) of the Local Government Act, as amended, and they shall have the force of contract between the District and the holders of the Refunding Bonds issued pursuant to this Plan; provided, however, that nothing herein shall be construed to prevent the transfer of the custody or management of any of said funds to any public board or agency created or provided for by any law heretofore or hereafter enacted by the General Assembly of the State of North Carolina.

SECTION 6. The right is specifically reserved of making a larger levy for any fiscal year then this Plan requires for the purpose of accelerating the retirement of the principal of the Refunding Bonds. If this right shall be exercised and should the levy for debt service for any fiscal year be increased, one-third of the dollar amount of such increase may be applied to the reduction of the debt service levy in each of the three succeeding fiscal years; provided that in no fiscal year shall the levy or appropriation be less than one and one-half times the interest requirements for the fiscal year.

SECTION 7. All taxes levied for debt service shall promptly upon collection be paid into the sinking fund provided for in Article V of this Plan, and shall be paid out only as provided in said Article.

SECTION 8. The proceeds of the sale of any real estate owned by the District which are not used to replace the properties so sold, with similar properties, shall be paid into the sinking fund provided for in Article V of this Plan.

ARTICLE V.

SINKING FUND

SECTION 1. There shall be created a sinking fund to be known as the "Fairview Sanitary Sewer District Sinking Fund", into which shall be paid all revenues and assets hereby pledged for the payment of the interest upon and the retirement of the principal of the Refunding Bonds. No disbursements shall ever be made from such sinking fund, except for the payment of the interest due upon the Refunding Bonds, or in the purchase for retirement of the Refunding Bonds, in the manner hereinafter provided. No funds in the sinking fund may be used for the purchase of any bonds unless and until there is in such fund, a sum exceeding all interest payments due within the succeeding seven months, and in that event, only the excess may be so employed.

SECTION 2. Whenever the amount of money in the sinking fund exceeds the sum necessary to meet the interest payments upon the Refunding Bonds falling due within the next succeeding seven months, and the District is not in default in the payment of interest upon the Refunding Bonds, the governing body of the District, or board or agency at the time administering such sinking fund, may in its discretion call for public tenders of Refunding Bonds, and may use such excess funds in purchasing such bonds for retirement. Such purchases shall be made by calling for and accepting tenders as hereinafter provided. Fifteen (15) days prior to the date fixed for the receipt of tenders, the Board of County Commissioners, or board or agency then administering such sinking fund, shall cause to be published in a financial paper published in the Borough of Manhatten, City of New York, N. Y., and in a daily newspaper of general circulation published in the City of Asheville, North Carolina, a notice in the name of the Fairview Sanitary Sewer District, inviting tenders of Refunding Bonds and fixing the time and place in the City of Asheville at which such tenders will be received.

SECTION 3. Whenever the funds available for the purchase of Refunding Bonds shall exceed Seven Thousand Dollars ($7,000), and such excess funds shall remain in the sinking fund for a period of ninety days, then the Board of County Commissioners, or Board or agency then administering the sinking fund, shall promptly call for tenders of Refunding Bonds in the manner herein provided, and shall purchase at least enough bonds to reduce the amount in such sinking fund available for the purchase of Refunding Bonds below the sum above stated. Calls for tenders under such circumstances are hereinafter referred to as "Mandatory Calls for Tenders".

SECTION 4. Tenders of Refunding Bonds shall be contained in a plain sealed envelope marked "Tender of Fairview Sanitary Sewer District Refunding Bonds", and shall be opened in public on the date fixed in the notice inviting such tenders. Except in the case of mandatory calls for tenders, the governing body of the District, or the board or agency then administering such sinking fund, shall have the right to reject all tenders or tenders in excess of a certain price. Subject to the exercise of this right, all excess funds, as defined in Section 1 of this Article, then on hand in the sinking fund, shall be applied immediately in the purchase of Refunding Bonds tendered at the lowest prices submitted.

When tenders are received, and a greater amount of bonds is tendered at the same price than funds are available in the sinking fund to purchase (after all bonds tendered at lower prices, if any, shall have been purchased) after all bonds tendered at lower prices, if any, shall have been purchased), then bonds tendered at said price shall be purchased in the order in which the tenders are received. In the event there shall be on hand in the sinking fund insufficient funds to purchase all of the bonds covered by any tender otherwise acceptable under the provisions of this Plan, any of the bonds so tendered may be accepted.

SECTION 5. If at any time prior to July 1, 1966, Refunding Bonds are not offered at such public tenders, at less than par and accrued interest, in sufficient amounts as to exhaust such excess funds, as defined in Section 1 of this Article, then in the sinking fund, the Board of County Commissioners, or board or agency then administering such sinking fund, may, in its discretion, invest such unexhausted portions of such excess funds in direct obligations of the United States of America, to be held for the account of the sinking fund, and such investment in said obligations may continue until Refunding Bonds are tendered at less than par and accrued interest, or until the maturity date of such Refunding Bonds. The Board of County Commissioners, or the Board or agency then administering such sinking fund, may, at any time sell such obligations in order to provide funds for the purchase for retirement, in the manner herein provided, of Refunding Bonds. In no event, and at no time, shall the sinking fund pay more than par and accrued interest for Refunding Bonds.

ARTICLE VI.

SPECIAL INTEREST FUND

SECTION 1. A fund to be known as "Special 1935-1936 Interest Fund" shall be established for the purpose of providing for the payment of claims for interest upon the outstanding bonds of the District, accrued between July 1, 1935, and July 1, 1936, as provided in Article II of this Plan, into which shall be paid:

(a) All collections made after December 31, 1935 of debt service taxes, levied by the City of Asheville, or by the Board of Commissioners of Buncombe County, for the fiscal year 1934-1935, and prior fiscal years, for the servicing of the outstanding bonds of the District; and

(b) All collections of such levies made for the fiscal year 1935-1936.

SECTION 2. All surpluses of the levies referred to in the preceding Section, after all interest claims upon the outstanding bonds of the District have been discharged, in the manner provided in Article II of this Plan, shall be paid into the sinking fund.

ARTICLE VII.

SECURITY FOR SPECIAL FUNDS

SECTION 1. Moneys in the sinking fund and in the Special 1935-1936 Interest Fund, shall be deposited in a bank or trust company designated by the Board of County Commissioners, and shall be secured by the direct obligations of the United States, or of the State of North Carolina, in a par amount equal to such funds.

A resolution relative to adjustment of the debt of the Beaverdam Water and Sewer District in Buncombe County was upon motion of Councilman Shuford, seconded by Councilman Vance, unanimously passed.

A RESOLUTION RELATIVE TO ADJUSTMENT OF THE DEBT OF THE BEAVERDAM WATER AND SEWER DISTRICT IN BUNCOMBE COUNTY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Memorandum of Agreement between THE BEAVERDAM WATER AND SEWER DISTRICT IN BUNCOMBE COUNTY, the City of Asheville and Frederic W. Ecker, et al, as a Bondholders' Committee, organized under Deposit agreement dated September 14, 1931, providing for the refunding of Five Hundred Thousand ($500,000) Dollars in principal amount of outstanding bonds of said District upon the basis of satisfying all interest claims accruing between July 1, 1935 and July 1, 1936 upon payment of 1% of the par value of the bonds upon which such claims accrued, the refunding bonds to be dated July 1, 1936, to mature July 1, 1976, and to bear interest at 1% from July 1, 1936 to July 1, 1939, 1¼% thereafter until July 1, 1941, 1½% thereafter until July 1, 1946, 2% thereafter until July 1, 1951, 2¼% thereafter until July 1, 1956, 2½% thereafter until July 1, 1961, 3½% thereafter until July 1, 1966, and 4% thereafter until maturity, with provision that a minimum debt service levy on all the taxable property within said District, not within the corporate limits of the City of Asheville, be made annually by the Board of Commissioners of Buncombe County to produce $1,163 in the fiscal year 1936, $1,269 in the fiscal year 1937, $1,607 in each of the fiscal years 1941 and 1942, $1,649 in the fiscal year 1943, $1,692 in the fiscal year 1944, $1,903 in each of the fiscal years 1945 to 1948 both inclusive, $2,115 in each of the fiscal years 1949 and 1950, $2,157 in the fiscal year 1951, $2,199 in the fiscal year 1952, $2,368 in each of the fiscal years 1953 to 1956 both inclusive, $2,580 in each of the fiscal years 1957 to 1960 both inclusive, $2,749 in each of the fiscal years 1961 to 1964 inclusive, $2,855 in each of the fiscal years 1965 to 1968 both inclusive and $2,961 in the fiscal year 1969 and thereafter through 1975; and that a minimum debt service levy on all the taxable property within said District lying within the corporate limits of the City of Asheville be made annually by the governing body of the City of Asheville to produce $7,170 in the fiscal year 1936, $7,822 in the fiscal year 1937, $8,082 in the fiscal year 1938, $8,604 in each of the fiscal years 1939 and 1940, $9,908 in each of the fiscal years 1941 and 1942, $10,169 in the fiscal year 1943, $10,429 in the fiscal year 1944, $11,733 in each of the fiscal years 1945 to 1948 both inclusive, $13,037 in each of the fiscal years 1949 and 1950, $13298 in the fiscal year 1951, $13,558 in the fiscal year 1952, $14,601 in each of the fiscal years 1953 to 1956 both inclusive, $15,905 in each of the fiscal years 1957 to 1960 both inclusive, $16,947 in each of the fiscal years 1961 to 1964 both inclusive, $17,600 in each of the fiscal years 1965 to 1968 both inclusive, and $18,251 in the fiscal year 1969 and thereafter through 1975; draft of which agreement is submitted to this meeting, be and the same is hereby in all things approved, and the Mayor and Clerk of this Board are hereby authorized, empowered and directed to execute and deliver said Memorandum of Agrement in the name, and on behalf, of said City of Asheville.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

Seconded by: J. C. Vance
Councilman

Read, approved and adopted, this 8th day of October, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

A. Hall Johnston
Corporation Counsel

MEMORANDUM OF AGREEMENT, made and entered into this 2 day of October, 1936, by and between THE BEAVER DAM WATER AND SEWER DISTRICT IN BUNCOMBE COUNTY (hereinafter called the District), the CITY OF ASHEVILLE, and FREDERIC W. ECKER, THOMAS F. DALY, JOHN S. HARRIS, HENRY HART, FRED P. HAYWARD, AND WILLIAM C. O'KEEFFE, As a Bondholders' Committee organized under a Deposit Agreement dated September 14, 1931, (hereinafter called the Bondholders' Committee),

W I T N E S S E T H :

WHEREAS, the representatives of the said Bondholders' Committee have met in conference with certain officials and representatives of the City of Asheville and of the Board of Commissioners of Buncombe County, the governing authority of the BeaverDam Water and Sewer District in Buncombe County, for the purpose of devising a plan for refunding the outstanding indebtedness of the said District represented by bonds and notes due and to become due; and

WHEREAS, there has been evolved out of said conferences a plan of refinancing which all parties hereto believe to be advantageous to the said District, to the City of Asheville and to the creditors of the said District:

NOW, THEREFORE, in consideration of the premises, it is hereby agreed by and between the BeaverDam Water and Sewer District, acting by its governing body, the Board of Commissioners of Buncombe County, the City of Asheville and said Bondholders' Committee:

SECTION 1. That the outstanding obligations of said District shall be refunded in conformity with the Plan of Refinancing hereto annexed, marked Exhibit "A".

SECTION 2. The Committee agrees to surrender to the District the bonds and coupons thereto appertaining, held by it (not including any such bonds and coupons as shall be withdrawn from deposit with the Depositary of the Committee under the agreement under which said Committee is acting, and including any bonds and coupons hereafter deposited), and the District agrees contemporaneously with such surrender, and in consideration thereof, to issue to the Committee Refunding Bonds, and to make the cash payments, all in accordance with said Plan of Refinancing, and in accordance with the terms and conditions thereof, but subject to the conditions set forth in this Agreement.

SECTION 3. The Refunding Bonds to be issued under the Plan, shall be validated at the expense of the District, by proceedings instituted in the Superior Court under the Laws of North Carolina.

SECTION 4. All ordinances, resolutions and other acts and proceedings by the governing body of the District, or of any officer thereof required by the terms of the Plan; all contracts and agreements entered into by the District with third parties in pursuance of, or to effectuate the Plan; the proceedings to issue and validate the bonds therein provided for; the form, validity and effect of said bonds, and of the provisions for the levy of taxes for the payment of interest upon the Refunding Bonds, and for the retirement of the principal thereof, shall be subject to the approval of counsel for the Committee.

SECTION 5. The Committee, as soon as practicable after the execution hereof, will initiate such proceedings as its counsel shall advise to obtain the power and authority to perform the obligations of this agreement and to participate in the Plan of Refinancing.

SECTION 6. If, in the judgment of the Committee, the owners of a sufficient number of deposited bonds shall have conferred upon the Committee power and authority to perform the obligations of this agreement and participate in the Plan of Refinancing by failing to withdraw their bonds from the Depositary of the Committee, in accordance with the terms of the Deposit Agreement under which it is acting, then the Committee shall notify the Chairman of the Board of County Commissioners, to that effect in writing.

SECTION 7. If, in the judgment of the Committee such power and authority shall not be conferred upon it by an adequate number of depositors of bonds represented by it, then this agreement shall be of no further force or effect.

IN WITNESS WHEREOF, this agreement is executed on behalf of the Beaverdam Water and Sewer District in Buncombe County, by the members of the Board of County Commissioners of Buncombe County, the governing authority of said District, and on behalf of the City of Asheville by the Mayor and members of the City Council of said City, and on behalf of the Bondholders' Committee by its Chairman, this day and year first above written.

BEAVER DAM WATER AND SEWER DISTRICT
IN BUNCOMBE COUNTY

By: H. G. Reagan

H. L. Parker

Sam H. Johnson
Members of the Board of County Commissioners of Buncombe County.

ATTEST:

GEO. A. DIGGES, JR. (Seal)
COUNTY CLERK.

CITY OF ASHEVILLE,

By E. M. Wells
Mayor

Robert E. Shuford

J. C. Vance

Jacob F. Weaver

Holmes Bryson

Eugene Carland

J. E. Divelbiss, Jr.
Members of City Council

ATTEST:

Glenn Morris (Seal)
City Clerk

BONDHOLDERS' PROTECTIVE COMMITTEE FOR ASHEVILLE & BUNCOMBE COUNTY, N. C.

BY F. E. Ecker
Chairman

ATTEST:

W. B. Bradford
Secretary

EXHIBIT "A"

PLAN OF REFINANCING OF THE
OBLIGATIONS OF THE
BEAVERDAM WATER AND SEWER DISTRICT IN
BUNCOMBE COUNTY

ARTICLE I.

OBLIGATIONS SUBJECT TO PLAN

SECTION 1. The obligations of the BeaverDam Water and Sewer District in Buncombe County subject to this plan are all outstanding bonds and coupons representing interest upon said bonds, heretofore issued by the District and now outstanding in the sum of Five Hundred Thousand ($500,000).

ARTICLE II.

DISPOSITION OF OBLIGATIONS SUBJECT
TO THE PLAN.

SECTION 1. The bonds of said District shall be exchanged par for par for Refunding Bonds of the Beaver Dam Water and Sewer District in Buncombe County.

SECTION 2. All unpaid interest claims accruing upon the outstanding bonds of said District, on or before July 1, 1935, shall be fully satisfied and cancelled upon payment by the District pro rata to the holders thereof of all moneys on hand December 31, 1935, representing the proceeds of the tax levies for district debt service (including moneys received from the City of Asheville pursuant to the provisions of Capter 205 of the Private Laws of North Carolina, 1929, for the payment of the interest, or principal and interest, of the bonds of the District), for the fiscal year 1934-1935 and prior years.

SECTION 3. All interest claims accruing between July 1, 1935, and July 1, 1936, shall be satisfied by the payment of a sum equal to one per cent (1%) of the face or par value of the bonds upon which such claims accrued.

ARTICLE III.

DESCRIPTION OF REFUNDING BONDS

Section 1. The Refunding Bonds to be issued pursuant to this Plan shall be dated July 1, 1936, and shall mature July 1, 1976; they shall bear interest at the following rates per annum for the following periods respectively:

1% from July 1, 1936 to 1939
1½% thereafter until July 1, 1941;
1¾% thereafter until July 1, 1946;
2% thereafter until July 1, 1951;
2¼% thereafter until July 1, 1956;
2½% thereafter until July 1, 1961;
3¼% thereafter until July 1, 1966; and
4% thereafter until July 1, 1976.

Such interest shall be payable semi-annually on the first days of January and July in each year.

SECTION 2. The principal and interest of the Refunding Bonds shall be payable in lawful money of the United States of America, at the principal office of the Irving Trust Company in the City of New York, N. Y.

SECTION 3. The Refunding Bonds shall be issued in the name of the Beaver Dam Water and Sewer District in Buncombe County, in an amount not exceeding Five Hundred Thousand Dollars ($500,000), in such form and in such denominations as shall hereafter be determined by Resolution of the Board of County Commissioners. They shall constitute general obligations of said District, and the full credit, credit and taxing power of said District shall be pledged for their payment.

ARTICLE IV.

TAXES FOR PAYMENT OF REFUNDING BONDS.

SECTION 1. The holders of the Refunding Bonds issued pursuant to this Plan, as authorized by Section 75 (e) of the Local Government Act, as amended, shall be subrogated to all of the rights and powers of the holders of the bonds surrendered in exchange for such Refunding Bonds, including the right to the levy of taxes for the payment of the principal and interest thereof upon all taxable property in said District (subject to the limitations prescribed by this Article), which rights, by the holders of the bonds so surrendered, and to effectuate such subrogation, and as required by law, the Board of County Commissioners of Buncombe County, or its successor, as the governing body of said District, shall covenant on behalf of said District (subject to the conditions hereinafter prescribed), to levy annually and collect a tax ad valorem upon all the taxable property in said District, sufficient to pay the principal and interest of the Refunding Bonds issued under this Plan, as such principal and interest become due; provided, however, first that a tax for the payment of the principal of the Refunding Bonds need not be levied prior to the fiscal year in which such bonds mature, and provided second, that no tax shall be required to be levied by the Board of County Commissioners under the provisions of this Section, so long as the District is not in default in the payment of any matured principal or interest of the Refunding Bonds and taxes for the payment of the interest upon said bonds and for the retirement of the principal thereof, are levied in the manner provided by Section 2 of this Article.

SECTION 2. The City of Asheville having annexed a portion of the territory of said District under the provisions of Chapter 205 of the Private Laws of North Carolina, 1929, and having assumed the obligation to provide for the payment of the portion of the indebtedness in said District, which proportion is hereby determined and agreed upon between the City of Asheville and the Board of County Commissioners of Buncombe County as the governing body of said District, to be Four Hundred and Thirty Thousand, Two Hundred and Fifteen Dollars ($430,215), and the City of Asheville being obligated by the aforesaid statute to levy annually a special tax upon all taxable property in the City of Asheville for the payment of that proportion of the principal and interest of the indebtedness of the District, the City will for said purposes levy annually a special tax upon all taxable property in the City of Asheville for the payment of the proportion of the principal and interest of the indebtedness of the District, the City will for said purposes levy annually a special tax upon all taxable property in the City of Asheville, and pay the proceeds thereof as collected to the Board of County Commissioners of Buncombe County on behalf of the District, in the fiscal years beginning in the following calendar years respectively:

1936,	$ 7,170;	1949	$ 13,437;	1963,	$ 14,947;
1937,	7,822;	1950	13,437;	1964,	14,947;
1938,	8,082;	1951,	13,298;	1965,	17,600;
1939,	8,604;	1952,	13,568;	1966,	17,600;
1940,	8,604;	1953,	14,601;	1967,	17,600;
1941,	9,908;	1954,	14,601;	1968,	17,600;
1942,	9,908;	1955,	14,601;	1969,	18,251;
1943,	10,169;	1956,	14,601;	1970,	18,251;
1944,	10,429;	1957,	15,905;	1971,	18,251;
1945,	11,733;	1958,	15,905;	1972,	18,251;
1946,	11,733;	1959,	15,905;	1973,	18,251;
1947,	11,733;	1960,	15,905;	1974,	18,251;
1948,	11,733;	1961,	14,947;	1975,	18,251.

For the payment of so much of the principal and interest of the Refunding Bonds not assumed by the City of Asheville, as aforesaid, the Board of County Commissioners of Buncombe County, will annually levy a tax upon all taxable property of the District lying without the corporate limits of the City of Asheville in the following amounts, in the fiscal years beginning in the following calendar years respectively:

1936,	$1,163;	1949,	$2,115;	1963,	$ 2,749;
1937,	1,269;	1950,	2,115;	1964,	2,749;
1938,	1,311;	1951,	2,157;	1965,	2,855;
1939,	1,396;	1952,	2,199;	1966,	2,855;
1940,	1,396;	1953,	2,368;	1967,	2,855;
1941,	1,607;	1954,	2,368;	1968,	2,855;
1942,	1,607;	1955,	2,368;	1969,	2,961;
1943,	1,649;	1956,	2,368;	1970,	2,961;
1944,	1,692;	1957,	2,580;	1971,	2,961;
1945,	1,903;	1958,	2,580;	1972,	2,961;
1946,	1,903;	1959,	2,580;	1973,	2,961;
1947,	1,903;	1960,	2,580;	1974,	2,961;
		1961,	2,749;	1975,	2,961.

SECTION 3. It is hereby estimated that the tax levies provided for in Section 2 of this Article, will ne adequate to meet all interest charges upon the

Refunding Bonds within approximately forty (40) years, and so long as the District is not in default in the payment of any matured principal or interest of the Refunding Bonds, neither the City of Asheville, nor the Board of County Commissioners shall be obligated to make any larger levy for any fiscal year than is specifically provided for that fiscal year by Section 2 of this Article.

SECTION 4. All taxes or other revenues or assets payable under the provisions of the Plan into the sinking fund hereby created for the payment of the interest upon and the retirement of the Refunding Bonds hereby provided for, shall be expressly pledged for such purposes in the manner and to the extent herein provided. Such pledges and the provisions herein made for the management, application and custody of such funds, shall be made pursuant to Section 75 (e) of the Local Government Act as amended, and they shall have the force of contract between the District and the holders of the Refunding Bonds issued pursuant to this Plan; provided, however, that nothing herein shall be construed to prevent the transfer of the custody or the management of any of said funds to any public board or agency created or provided for by any law heretofore or hereafter enacted by the General Assembly of the State of North Carolina.

SECTION 5. The right is specifically reserved of making a larger levy for any fiscal year than this Plan requires for the purpose of accelerating the retirement of the principal of the Refunding Bonds. If this right shall be exercised and should the levy for debt service for any fiscal year be increased, one-third of the dollar amount of such increase may be applied to the reduction of the debt service levy in each of the three succeeding fiscal years; provided that in no fiscal year shall the levy or appropriation be less than one and one-half times the interest requirements for the fiscal year.

SECTION 6. All taxes levied for debt service shall promptly upon collection be paid into the sinking fund provided for in Article V of this Plan, and shall be paid out only as provided in said Article.

SECTION 7. The proceeds of the sale of any real estate owned by the District which are not used to replace the properties so sold, with similar properties, shall be paid into the sinking fund provided for in Article V of this Plan.

ARTICLE V.

SINKING FUND.

SECTION 1. There shall be created a sinking fund to be known as the "Beaver Dam Water and Sewer District Sinking Fund", into which shall be paid all revenues and assets hereby pledged for the payment of the interest upon and the retirement of the principal of the Refunding Bonds. No disbursements shall ever be made from such sinking fund, except for the payment of the interest due upon the Refunding Bonds, or in the purchase for retirement of the Refunding Bonds, in the manner hereinafter provided. No funds in the sinking fund may be used for the purchase of any bonds unless and until there is in such fund, a sum exceeding all interest payments due within the succeeding seven months, and in that event, only the excess may be so employed.

SECTION 2. Whenever the amount of money in the sinking fund exceeds the sum necessary to meet the interest payments upon the Refunding Bonds falling due within the next succeeding seven months, and the District is not in default in the payment of interest upon the Refunding Bonds, the governing body of the District, or board or agency at the time administering such sinking fund, may in its discretion call for public tenders of Refunding Bonds, and may use such excess funds in purchasing such bonds for retirement. Such purchases shall be made by calling for and accepting tenders as hereinafter provided. Fifteen (15) days prior to the date fixed for the receipt of tenders, the Board of County Commissioners, or board or agency then administering such sinking fund, shall cause to be published in a financial paper published in the Borough of Manhattan, City of New York, N. Y., and in a daily newspaper of general circulation published in the City of Asheville, North Carolina, a notice in the name of the Beaver Dam Water and Sewer District in Buncombe County, inviting tenders of Refunding Bonds and fixing the time and place in the City of Asheville at which such tenders will be received.

SECTION 3. Whenever the funds available for the purchase of Refunding Bonds shall exceed Thirty Thousand Dollars ($30,000), and such excess funds shall remain in the sinking fund for a period of ninety days, then the Board of County Commissioners, or board or agency then administering the sinking fund, shall promptly call for tenders of Refunding Bonds in the manner herein provided, and shall purchase at least enough bonds to reduce the amount in such sinking fund available for the purchase of Refunding Bonds below the sum above stated. Calls for tenders under such circumstances are hereinafter referred to as "Mandatory Calls for Tenders".

SECTION 4. Tenders of Refunding Bonds shall be contained in a plain sealed envelope marked "Tenders of Beaver Dam Water and Sewer District in Buncombe County Refunding Bonds", and shall be opened in public on the date fixed in the notice inviting such tenders. Except in the case of mandatory calls for tenders, the governing body of the District, or the board or agency then administering such sinking fund, shall have the right to reject all tenders or tenders in excess of a certain price. Subject to the exercise of this right, all excess funds, as defined in Section 1 of this Article, then on hand in the sinking fund, shall be applied immediately in the purchase of Refunding Bonds tendered at the lowest price submitted.

When tenders are received, and a greater amount of bonds is tendered at the same price than funds are available in the sinking fund to purchase (after all bonds tendered at lower prices, if any, shall have been purchased), then bonds tendered at said price shall be purchased in the order in which the tenders are received. In the event there shall be on hand in the sinking fund insufficient funds to purchase all of the bonds covered by any tender otherwise acceptable under the provisions of this Plan, any of the bonds so tendered may be accepted.

SECTION 5. If at any time prior to July 1, 1966, Refunding Bonds are not offered at such public tenders, at less than par and accrued interest, in sufficient amounts as to exhaust such excess funds, as defined in Section 1 of this Article, then in the sinking fund, the Board of County Commissioners, or board or agency then administering such sinking fund, may, in its discretion, invest such unexpended portions of such excess funds in direct obligations of the United States of America, to be held for the account of the sinking fund, and such investment in said obligations may continue until Refunding Bonds are tendered at less than par and accrued interest, or until the maturity date of such Refunding Bonds. The Board of County Commissioners, or the board or agency then administering such sinking fund, may, at any time sell such obligations in order to provide funds for the purchase for retirement, in the manner herein provided, of Refunding Bonds. In no event, and at no time shall the sinking fund pay more than par and accrued interest for Refunding Bonds.

ARTICLE VI.

SPECIAL INTEREST FUND.

SECTION 1. A fund to be known as "Special 1935-1936 Interest Fund" shall be established for the purpose of providing for the payment of claims for interest upon the outstanding bonds of the District, accrued between July 1, 1935, and July 1, 1936, as provided in Article II of this Plan, into which shall be paid:

(a) All collections made after December 31, 1935 of debt service taxes levied by the City of Asheville, or by the Board of Commissioners of Buncombe County, for the fiscal year 1934-1935, and prior fiscal years, for the servicing of the outstanding bonds of the District; and

(b) All collections of such levies made for the fiscal year 1935-1936.

SECTION 2. All surpluses of the levies referred to in the preceding Section, after all interest claims upon the outstanding bonds of the District have been discharged in the manner provided in Article II of this Plan, shall be paid into the sinking fund.

ARTICLE VIII.

SECURITY FOR SPECIAL FUNDS.

SECTION 1. Moneys in the sinking fund and in the Special 1935-1936 Interest Fund, shall be deposited in a bank or trust company designated by the Board of County Commissioners, and shall be secured by the direct obligations of the United States, or of the State of North Carolina, in a par amount equal to such funds.

VICE-MAYOR BRYSON

Vice-Mayor Bryson expressed appreciation to the press for their assistance in curbing horn blowing and noise in the City; this expression was for the entire Council.

On motion, adjourned.

Mayor R. M. Wells

Glenn Morris
City Clerk

Thursday, October 15, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, J. C. Vance, Jacob F. Weaver, Robert M. Wells, City Manager P. M. Burdette, A. Hall Johnston, Corporation Counsel, and Assist. Corporation Counsel Philip C. Cocke, Jr. The minutes of the previous meeting were read and approved.

[illegible]

An ordinance adopting and appropriating the operating budget of the City of Asheville for the fiscal year 1936-1937 was upon motion of Councilman Carland, seconded by Councilman Bryson, adopted on its third and final reading. A roll call was taken, and Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Shuford voted "aye", Councilman Vance voted "aye", Councilman Weaver voted "aye" and Councilman Wells voted "aye.

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1936-1937

WHEREAS, on the 26th day of September, 1936, the City of Asheville adopted an operating budget in the amount of $740,243,54 with a debt service of $475,000.00, making total appropriations of $1,215,243.54, which budget was approved by the Board of Financial Control of Buncombe County, as evidenced by a resolution of said Board:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following operating budget is hereby adopted and the amounts indicated herein appropriated for the operation of the different departments of the City of Asheville for the fiscal year beginning July 1, 1936 and ending June 30, 1937, inclusive:

(a)	General Government	$ 131,913.20
(b)	Law	25,742.50
(c)	Finance	23,767.76
(d)	Public Welfare	41,705.48
(e)	Public Safety	245,274.68
(f)	Libraries	18,180.00
(g)	Civil Service	600.00
(h)	Public Works	244,297.32
(i)	Engineering	8,762.60
	Total operating	740,243.54
	Debt Service	475,000.00
	Total Appropriations	1,215,243.54

Section 2. That a tax of $1.54 per $100.00 valuation upon all property of every nature within the corporate limits of the City of Asheville (54.9 per $100.00 valuation for debt service, and 99.1 per $100.00 valuation for operating expenses) be and the same is hereby levied, and ordered to be collected in accordance with law for the fiscal year 1936-37, as aforesaid.

Section 3. That the Director of Finance of the City of Asheville is hereby authorized to make the expenditures for the operation of the departments of the City of Asheville and debt service in accordance with the budget adopted and approved as aforesaid.

I move the adoption of the foregoing ordinance, this 1st day of October, 1936.

Eugene Carland
Councilman

Seconded by: Holmes Bryson
Councilman

Read, approved and adopted, this 15th day of October, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM
A. Hall Johnston
Corporation Counsel

[illegible] CLAIM

Claim of George P. Street, presented by DeVere C. Lentz, Attorney, for collections on certificates of property purchased by George P. Street, from the City of Asheville was upon the recommendation of the City Manager, P. M. Burdette, disallowed.

[illegible] DEED

Resolution authorizing the Mayor to execute quit-claim deed was upon motion of Councilman Bryson, seconded by Councilman Carland, unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City of Asheville relocated Sand Hill Road and left a narrow strip of land approximately 8 x 50 feet between the old Sand Hill Road bed and the new road bed, same being the property of Mrs. Smith Burton; and

WHEREAS, Mrs. Smith Burton is desirous of having a quit-claim deed executed to her, and also desires that said property should be advertised as required by law:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the following described property

BEGINNING at the southwest corner of lot 7 of plat book 2 page 2, recorded in the Register of Deeds office for Buncombe County, runs thence S. 68 deg. W. 70 feet to a stake in the north margin of Sand Hill Road, thence with the margin of Sand Hill Road as it curves [illegible] 63.38 feet to thence N. 5 deg. 35' E. 8.5 feet to the BEGINNING. Being a triangular shape lot #220½ as shown on a plat on file with Engineering Department dated October 18, 1928, referred to as George P. Blair, M. V. Plow and others and #121.

be advertised as required by law, and the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the above mentioned property to the highest bidder at said sale, and that the said bidder shall list the above property and pay taxes on same.

I move the adoption of the foregoing resolution.

Holmes Bryson
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted, this 15 day of October, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

A. Hall Johnston
Corporation Counsel

RESOLUTION AUTHORIZING [illegible]

A resolution authorizing the institution of an action to determine the validity of certain refunding bonds about to be issued by the City of Asheville, and the Validity of the means of payment for said bonds, was upon motion of Councilman Carland, seconded by Councilman Vance, unanimously adopted.

RESOLUTION AUTHORIZING THE INSTITUTION OF AN ACTION TO DETERMINE THE VALIDITY OF CERTAIN REFUNDING BONDS ABOUT TO BE ISSUED BY THE CITY OF ASHEVILLE, AND THE VALIDITY OF THE MEANS OF PAYMENT PROVIDED FOR SAID BONDS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Corporation Counsel of the City of Asheville be and he hereby is authorized and directed to institute in the name of the City of Asheville an action in the Superior Court to determine the validity of the refunding bonds to be issued pursuant to an ordinance entitled " AN ORDINANCE AUTHORING THE ISSUANCE OF BONDS OF THE CITY OF ASHEVILLE FOR THE PURPOSE OF REFUNDING OUTSTANDING DEBT" adopted on its final reading on May 21, 1936, and to determine the validity of the means provided by said ordinance for the payment of said bonds.

This action shall be instituted pursuant to Sections 4 to 8, inclusive, of Chapter 186, Public Laws of 1931 of North Carolina, as amended by Chapter 290, Public Laws of 1935 (Michie's North Carolina Code of 1935, Sections 2492 (55) to 2492 (59)) and pursuant to all other statutes applicable thereto, including the Uniform Declaratory Judgment Act. The complaint in said action shall be substantially in the form of the proposed complaint prepared by the Corporation Counsel and exhibited by him this day to the City Council of the City of Asheville. Said complaint shall be verified by the Mayor of the City of Asheville, and this resolution shall take effect immediately.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: J. C. Vance
Councilman

Read, approved and adopted, this 15th day of October, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

A. Hall Johnston
Corporation Counsel.

On motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, October 22, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Eugene Carland, J. C. Vance, Robert E. Shuford, Jacob F. Weaver, R. M. Wells, City Manager P. M. Burdette, A. Hall Johnston, Corporation Counsel, and Asst. Corporation Counsel Philip C. Cocke, Jr. The minutes of the previous meeting were read and approved.

STREET LIGHT

Request for street light on Macon Avenue was filed by the residents of that section. This was referred to the City Manager.

On motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, October 29, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen J. E. Divelbiss, Jr., Robert E. Shuford, J. C. Vance, Jacob F. Weaver, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Asst. Corporation Counsel. The minutes of the previous meeting were read and approved.

STREET

The City Manager, P. M. Burdette, presented petition signed by residents of Alabama Avenue, West Asheville, requesting improvement of the street. This was referred to the City Manager.

M. L. WILLIAMS
CLAIM

Ellis Jones, Attorney, presented claim for alleged personal injury to Mrs. M. L. Williams, which was upon investigation by the City Manager, recommended that the claim be disallowed.

QUIT-CLAIM DEED

Resolution authorizing the Mayor to execute quit-claim deed was upon motion of Councilman J. C. Vance, seconded by Councilman Divelbiss, unanimously passed.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1923; and

WHEREAS, there is a deed of record to the city, which deed is recorded in deed book 454 at page 97, which deed is a cloud upon the title to the property hereinafter described; and

WHEREAS, said property was bought in by George P. Street; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax-relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	YARD	MAKE DEED TO
54	Chesterfield Investment Company	324	5	1	Graves Investment Company

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in City of Asheville.

I move the adoption of the foregoing resolution.

J. C. Vance
Councilman

Seconded by: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 29th day of October, 1936.

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Asst. Corporation Counsel.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Mayor Wells appointed the following committee to investigate the request of the Biltmore Dairies and Southern Dairie regarding the source of supply of raw milk for manufacturing purposes only and to report their findings to the Council at its next regular meeting:

Eugene Carland, Chairman
Robert E. Shuford
Holmes Bryson

Petition by the residents of Ramoth Road and Murdock Avenue was presented, requesting that the City take over alley bordering rear of this street, and maintain same. This was referred to the City Manager.

On motion, adjourned.

Mayor

Glenn Morris
City Clerk.

Thursday, November 5, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, J. C. Vance, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Asst. Corporation Counsel. Minutes of the previous meeting were read and approved.

A petition requesting that the Carolina Power and Light Company bus service be extended out Haywood Road to the Asheville School Bridge was presented. This request was referred to the City Manager.

A petition requesting that the name "Moody Avenue" be changed to NEBRASKA Avenue was received and referred to the City Manager.

Mr. Burdette, City Manager, reported that the intersection of Patton Avenue and Clingman Avenue had been opened to cross traffic to Haywood Street on this date. He stated that he had wired Mr. Warnick of the State Highway Commission regarding this this work.

NATIONAL BONDHOLDERS CORPORATION

Mr. T. A. Hazell, Jr. representing the National Bondholders Corporation requested the Council to condemn as a public alley on Forest Hill drive an alley to be used to reach a house on this street . He explained that the alley crosses a small piece of land dedicated, but not used for park purposes. This was referred to the City Mgr.

Councilman Carland reported that the committee appointed by Mayor Wells to consider proposal that a different grade of milk than that now permitted be allowed for manufacturing purposes was not ready to report.

On motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, November 12, 1936--4:30 P. M.

The City Council met in [illegible] session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, J. C. Vance, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Asst. Corporation Counsel. Minutes of the previous meeting were read and approved.

Councilman Eugene Carland reported that the committee appointed at the meeting on Thursday, November 19 at [illegible] to consider proposal that a different grade of milk than that now permitted be allowed for manufacturing purposes by the Biltmore Dairies that they be allowed [illegible]

The request of T. A. Hazell, Attorney, representing the National Bondholders Corporation, for right-of-way over certain property deeded for park purposes on Forest Hill Drive, was upon recommendation of the City Manager, [illegible] granted, and the Mayor was authorized to execute a conveyance for [illegible]

RESOLUTION AUTHORIZING THE MAYOR TO GRANT A RIGHT-OF-WAY TO THE NATIONAL BONDHOLDERS CORPORATION.

WHEREAS, the above mentioned National Bondholders Corporation is the owner of a house and lot situate some distance back from Forest Hill Drive; and

WHEREAS, the City is owner of a small lot in front of said residence, cutting said lot off from an approach from Forest Hill Drive;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and empowered to execute a ten foot right-of-way over the northeast corner of the lot the City now owns on Forest Hill Drive, said right-of-way to give ingress and egress to the above mentioned party to its lot from Forest Hill Drive.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 12th day of November, 1936.

R. M. Wells
Mayor

APPROVED AS TO FORM:
A. Hall Johnston
Corporation Counsel.

Glenn Morris
City Clerk

The resignation of Councilman John C. Vance, who has served the City of Asheville for the past seventeen months as Councilman, in order that he may take up his duties as Commissioner of Public Highways on December 7, was accepted with regret. Mr. Vance spoke feelingly of his satisfaction and pleasure in the work with the City Council, and said that he left this body with deep regret. He paid a high tribute to his colleagues on the Council, the City Manager and others with whom he worked. Mayor Wells responded that it was with deep regret that Mr. Vance's resignation was accepted and expressed appreciation for his services to the City and to the Council.

Upon motion of Councilman J. E. Divelbiss, Jr., seconded by Councilman Eugene Carland, Howard G. Etheridge was unanimously elected to fill the vacancy left by the resignation of Councilman John C. Vance.

[illegible]

F. M. Ball, Elliott Fisher and Mrs. Isa Howard, representing the Asheville chamber of commerce requested a reduction in the City privelege tax. This was referred to the City Manager.

On motion, adjourned.

MAYOR [illegible]

Glenn Morris
CITY CLERK

Thursday, November 19, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, Eugene Carland, Jacob F. Weaver, Robert M. Wells, P. M. Burdette, City Manager, A. Hall Johnston, Corporation Counsel, and Asst. Corporation Counsel, Philip C. Cocke, Jr.

Rules were suspended, and the oath of office of Councilman was administered to Howard G. Etheridge.

STATE OF NORTH CAROLINA) OATH OF HOWARD G. ETHERIDGE, MEMBER
COUNTY OF BUNCOMBE.) OF THE BOARD OF COUNCILMEN FOR THE CITY OF ASHEVILLE.

I, HOWARD G. ETHERIDGE, do solemnly swear (or affirm) that I will obey the constitution and laws of the United States, and the Constitution and laws of the State of North Carolina, and that I will in all respects support the provisions of the charter of the City of Asheville, and the ordinances of the City of Asheville, and faithfully discharge the duties of the office of Councilman; so help me God.

H. G. Etheridge

The foregoing oath was duly sworn to and subscribed before me this the 19th day of November, A.D., 1936.

R. M. Wells
Mayor

Minutes of the previous meeting were read and approved.

[illegible]

The City Manager, P. M. Burdette, reported regarding petition requesting that the name "Woody" Avenue be changed to "Nebraska" Avenue, and recommended that this change be made and said the Engineering Department would be notified to change the records.

[illegible]

The City Manager reported regarding petition recently presented to the Council requesting improvement to Alabama Avenue. He advised that within the last month this Street from Waynesville Avenue to Hanover Street had been treated with a stone base from shoulder to shoulder and a light course of sand had been applied as a surface. That the street was in condition now to permit traffic under any weather conditions. He also reported that the section of Alabama Avenue from Hanover Street to State Street which was recently graded by WPA had not been treated, but was included in the same WPA Project that made the improvement of Alabama Avenue from Waynesville to Hanover Street.

[illegible]CON

The City Manager reported regarding request of residents and property owners on Macon Avenue for street light, after investigation, it was his opinion that Macon Avenue had sufficient light at the location mentioned in the request.

[illegible]

The City Manager reported that after conference with Mr. [illegible] of the Carolina Power & Light Company, that [illegible] on this route to justify change to present routing from Malvern Hills.

[illegible]

Mayor Wells in a few well chosen words welcomed Councilman [illegible] behalf of all the members of the City Council and other City officials. Mr. Etheridge responded that he would do his best to serve the City and [illegible] do nothing to reflect on the Councilmen's choice and cause them to regret the decision.

[illegible]

Mr. Burdette, City Manager, reminded the Council that the next meeting date fell on Thanksgiving Day, and upon motion of Councilman Divelbiss, Jr., seconded by Councilman Shuford, the meeting hour was set for Wednesday, November [illegible] hour.

There being no further business, the meeting was on motion, adjourned.

MAYOR [illegible]

Glenn Morris
CITY CLERK.

Wednesday, November [illegible], 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, Robert E. Shuford, Howard G. Etheridge, Robert M. Wells, P. M. Burdette, City Manager, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Asst. Corporation Counsel. Minutes of the previous meeting were read and approved.

[illegible]

Vice-Mayor Holmes Bryson suggested that the Council make it a holiday for City employees, and ask the cooperation of the County and business men in the city, making it a general holiday for the entire city.

There being no further business, the meeting was on motion, adjourned.

R. M. Wells
Mayor

[illegible]
City Clerk

Thursday, December [illegible], 1936--4:30 P. M.

The Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, Howard G. Etheridge, Jacob F. Weaver, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Assistant Corporation Counsel. Minutes of the previous meeting were read and approved.

[illegible]

Mr. Burdette, City Manager, reported that the committee appointed by Mayor Wells early in the summer to work out plans for financing a city auditorium, had made plans to raise $40,366.35 to be added to the grant applied for through the Public Works Administration for $49,390.65, the total cost to be $109,757. It was moved by Councilman Bryson, seconded by Councilman Divelbiss, that the Committee recommendations be adopted. Unanimously carried.

Mayor Wells expressed the Council's thanks and appreciation for the [illegible] and untiring effort of the Committee, and said the City as a whole owes a debt to them. The Mayor stated the committee had not been discharged. The committee is composed of the following: C. Vanleuvenee, Chairman, George Cowing, J. V. Jones, Jr., [illegible] Veede.

RESOLUTION [illegible]

Mr. Burdette, City Manager, presented resolution entitled, "A Resolution Authorizing the City of Asheville, North Carolina to File An Application to the United States of America through the Federal Emergency Administration of Public Works for a Grant to Aid in Financing the Construction of a Municipal Auditorium, and Designating Lindsay Gudger, Architect, and P. M. Burdette, City Manager, to Furnish such information as the Government May Request." Upon motion of Councilman Bryson, seconded by Councilman Divelbiss, the resolution was unanimously adopted.

A RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE, NORTH CAROLINA TO FILE ... IN ITS BEHALF TO THE UNITED STATES OF AMERICA THROUGH THE FEDERAL EMERGE... ADMINISTRATION OF PUBLIC WORKS FOR A GRANT TO AID IN FINANCING THE CONSTR... OF A MUNICIPAL AUDITORIUM AND DESIGNATING LINDSEY GUDGER, ARCHITECT, ... P. M. BURDETTE, CITY MANAGER, TO FURNISH SUCH INFORMATION AS THE GOV... MAY REQUEST.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE, N. C.:

Section 1. That P. M. Burdette, City Manager, be and he is authorized to execute and file, in application on behalf of the City of Asheville, North Carolina, to the United States of America for a grant to aid in financing the construction of a municipal auditorium.

Section 2. That P. M. Burdette, City Manager and Lindsey Gudger, architect, be and they are hereby authorized and directed to furnish such information as the United States of America through the Federal Emergency Administration of Public Works may reasonably request in connection with the application which is herein authorized.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 3 day of December, 1936.

R. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
J. Hall Johnston
Corporation Counsel.

Leon C. Young, Attorney, presented resolution passed by the Calvery Baptist Church requesting refund of paving assessments in the amount of $672.55, stating that the General Assembly of North Carolina on the 11th day of May, 1935, ratified an act entitled, "An Act Empowering the Governing Body of the City of Asheville to Refund to the Calvery Baptist Church certain funds paid for street improvements" and being Chapter 448 of the Private Laws of the 1935 session of the General Assembly. Upon motion this was referred to the City Manager for investigation and report.

George Pennell, attorney, presented petition signed by some [illegible] Biltmore residents, property owners requesting that additional street lights be provided on Hendersonville Road from the City limits to where Biltmore Avenue joins Hendersonville Road from the City limits to the City limits. This was referred to the City Manager.

Councilman Bryson reported that the County had adopted the three day holiday for Christmas and suggested that the City do likewise. Upon motion of Councilman [illegible], seconded by Councilman Divelbiss, the motion was unanimously adopted.

On motion, adjourned.

R. W. Wells
Mayor.

Glenn Morris
CITY CLERK

Thursday, December [illegible], 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., H. G. Stanton, Joseph F. Turner, Eugene Garland, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cook, Jr., Assistant Corporation Counsel. Minutes of the previous meeting were read and approved.

Mr. Burdette, City Manager, reported that plans were being made to straighten the bad curve on the Asheville-Hendersonville highway, near the Biltmore School reported to the Council some time ago by Attorney W. A. James. Mr. Burdette said it would only be necessary for the City to furnish the necessary right-of-way, and the work would be done by the State Highway and Public Works Commission.

Mr. Burdette reported that the request for additional street lights along Hendersonville Road from the city limits to where Hendersonville Road [illegible] Biltmore Avenue would be considered after the Christmas holidays, this would give the petitioners and the City Manager more time to work out this improvement.

Claim for alleged personal injuries of Fred Wells was filed by his attorney, Mr. George Pennell, and ordered referred to the Corporation Counsel and City Manager.

TO THE HONORABLE MAYOR AND CITY COUNCIL
OF THE CITY OF ASHEVILLE:

The undersigned, Fred Wells hereby presents his claim or demand in writing for damages for personal injuries sustained by him, pursuant to the requirements of the charter of the City of Asheville:

I.

The happening of the injury was on the 19th day of September, 1936.

II.

The place of happening or infliction of such injury was on Short Morrow, and/or Morrow Street, in the City of Asheville.

III.

The manner of such infliction was that a large hole was allowed or permitted to remain in the street aforementioned, in the middle thereof, and without the same being properly barricaded or lighted at night time to indicate to the pedestrain that such a hole existed, and claimant fell therein.

IV.

The character of the injury inflicted was external and internal injuries to the claimant, whereby he was required to remain in bed under the care of a physician, and unable to work for a considerable period of time.

V.

The amount of damages claimed therefor is the sum of Two Thousand Dollars ($2,000.00).

Respectfully submitted,

Fred Wells

Sworn to and subscribed before me, this the 10th day of December, 1936.

G. C. Franklin
Notary Public

My commission expires
July 1, 1938.

FRONT

Claim for alleged personal injuries sustained by Frank Moore was filed by his attorney, Mr. Sam Pegram, and was referred to the Corporation Counsel and City Manager.

STATE OF NORTH CAROLINA)
COUNTY OF BUNCOMBE) IN THE GENERAL COUNTY COURT
)

FRANK MOORE,)
Plaintiff)
vs.) COMPLAINT
)
THE CITY OF ASHEVILLE, A)
MUNICIPAL CORPORATION,)
Defendant)

The Plaintiff, complaining of the defendant, alleges and says:

1.

That the plaintiff, Frank Moore, is a citizen and resident of the County of Buncombe and State of North Carolina.

2.

That the City of Asheville, defendant, is a municipal corporation, existing under and by virtue of the laws of the State of the State of North Carolina.

3.

That about 11:30 o'clock P.M., on the 12th day of November, 1936, the plaintiff herein, while walking along the side-walk on Eagle Street, said Eagle Street being located in the Eastern part of the City of Asheville, fell into an excavation or hole, which was constructed, or which was left open by the City of Asheville; that said excavation or hole in which this plaintiff fell was on the right-hand side of Eagle Street, traveling East from Pack Square and in front of 81 Eagle Street; that said excavation or hole, which was left open in said side-walk, or property maintained by the City of Asheville, was approximately from eighteen inches wide, with the exact depth of said hole unknown, but as this plaintiff alleges, was some six, eight, or ten feet in depth; that said hole or excavation, as above described, had remained open for a long period of time, and was left open by the City of Asheville in the construction of said side-walk on 81 Eagle Street, wherein a cafe is located. And that said excavation or hole had remained in a dangerous and hazardous condition for many months prior to the time that the plaintiff herein fell in same and injured himself, as will hereinafter be more fully set forth.

4.

That said excavatón or hole was negligently left open and not repaired by said City of Asheville, and as such was negligently maintained by the City of Asheville, and said City was grossly negligent in the manner in which said street was maintained; and that as a result the said street became dangerous and hazardous, and was allowed to remain in said dangerous condition, so that the part of said street or sidewalk, as above mentioned, became a nuisance per se; and as a result of the negligence, as herein described, the defendant is liable to this petitioner for damages which he sustained as a result of said fall.

5.

That said dangerous condition existed to the knowledge of the said City of Asheville, it's agents, servants, and employees, for a long period of time; and that said City of Asheville knew of said unsafe and dangerous condition of said street; that the said City further knew that this part of Eagle Street, particularly in the proximity where this plaintiff fell, was in a thickly congested part of said City, and in the business section of the colored population of said City. And that said City could have, by use of ordinary prudence and diligence, have repaired said hole or excavation, prior to the time of the injury of this plaintiff; and that this plaintiff alleges and says: That the said City of Asheville was well informed of the hazardous condition of said street, prior to the injury of this plaintiff, and allowed same to exist to its own knowledge.

6.

That due to the neglect of the defendant, the plaintiff fell into said excavation or hole, sustaining painful, serious and permanent injuries to his back and legs, and sustaining bruises and injuries over his entire body. That the said injuries that were sustained by this plaintiff was a true and promisate result of the defendant's carelessness and negligence in allowing the dangerous and hazardous condition to exist in said side walk or street, and further allowing a nuisance to be established and maintained by the said defendant.

7.

That as a result of said injuries sustained by the plaintiff, he was materially confined to his bed during the time of the injuries sustained, and up to the time of the filing of this notice he has incurred expenses and has been compelled to expend money, and has incurred debts and liabilities in the procurement of medicine and medical treatment, made necessary on account of said injuries sustained by this plaintiff. That he has been forced to lose time from his work, and has been put to great expense and loss on account of said injuries.

WHEREAS, the plaintiff demands that the City of Asheville pay to the plaintiff the amount of Seventy-five Hundred Dollars ($7500.00) for injuries sustained by the plaintiff as a result of said fall.

S. J. Pegram
Attorney for Plaintiff.

Mr. Sam Pegram, attorney, reported that College Street between Court and Oak streets was insufficiently lighted, and asked that an investigation be made.

There being no further business, the meeting was on motion, adjourned.

P. M. Wells
MAYOR.

Glenn Morris
City Clerk.

Thursday, December 17, 1936 -- 7:30 P.M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, Robert E. Shuford, H. G. Etheridge, Jacob F. Weaver, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, and Walter S. Rooks, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

LIGHTS ON COLLEGE STREET

The City Manager, P. M. Burdette, reported that the Carolina Power and Light Company had been ordered to install a light on College Street between Court and Oak Streets. This was reported at last meeting by Mr. Sam Pegram, stating this section was insufficiently lighted.

BRIDGE PHILIP S. HENRY TO CITY

Resolution confirming dedication to City of Asheville by the late Philip S. Henry, and acceptance by the City of Asheville, of the Stone and concrete Bridge over College Street at Beaumont Gap, was upon motion of Councilman Carland, seconded by Councilman Shuford, unanimously adopted.

RESOLUTION CONFIRMING DEDICATION OF CITY OF ASHEVILLE BY THE LATE PHILIP S. HENRY, AND ACCEPTANCE BY THE CITY OF ASHEVILLE, OF THE STONE AND CONCRETE BRIDGE OVER COLLEGE STREET AT BEAUMONT GAP

WHEREAS, it appears by the records in the minute books of the City of Asheville that Philip S. Henry, prior to his death, dedicated a certain concrete bridge over College Street at Beaumont Gap; and

WHEREAS, College Street being a public thoroughfare of the City of Asheville;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That dedication to the City of Asheville by the late Philip S. Henry, prior to his death, and acceptance by the City of Asheville, of the stone and concrete bridge over College Street at Beaumont Gap, be, and the same is hereby, confirmed; and the City of Asheville hereby recognizes its full and exclusive ownership of said bridge and the rights-of-way for the street or road constituting the approaches thereof.

I move the adoption of the foregoing resolution.

APPROVED AS TO FORM:
A. Hall Johnston
Corporation Counsel

Eugene Carland
Councilman

Seconded by:

Robert E. Shuford
Councilman

Read, approved and adopted, this 17th day of December, 1936.

P. M. Wells, Mayor Glenn Morris, City Clk.

ORDINANCE NO. [illegible]

An ordinance to require jitney bus and taxicab operators carrying passengers for hire within the City of Asheville to take out and carry liability insurance, to provide surety bonds, or make a deposit of securities with the Treasurer of the City of Asheville, was moved by Councilman Shuford, seconded by Councilman Etheridge, and passed on its first reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Shuford voted "aye", Councilman Etheridge voted "aye", Councilman Carland voted "aye" and Councilman Wells voted "aye.

The next regular meeting of the City Council was upon motion, ordered held on Wednesday, December 23, on account of the Christmas holidays, at the same hour as usual, 4:30 P.M.

There being no further business, the meeting was on motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk.

Wednesday, Dec. 23, 1936--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen J. E. Divelbiss, Jr., Robert E. Shuford, Jacob F. Weaver, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Assistant Corporation Counsel. The minutes of the previous meeting were read and approved.

George Pennell, Attorney, representing the Moore Taxi Company, expressed disapproval of the proposed ordinance to require jitney bus and taxicab operators carrying passengers for hire within the City of Asheville to take out and carry liability insurance, to provide surety bonds, or make a deposit of securities with the Treasurer of the City of Asheville. He expressed approval of the section requiring liability insurance, but said the provision permitting the deposit of securities with the City Treasurer was unfair in that it favored the operators of large fleets of automobiles.

Mr. Piercy Carter, representing the 14 independent operators of buses on the West Asheville line oppoed the entire ordinance as prohibitive to his clients who operate on a mere living basis supporting eighteen families.

Mr. Sykes, representing two negro taxicab operators suggested certain changes in the ordinance to keep the cost down to the operators of one or two cars.

Mayor Wells suggested that objections be put in writing for study before the Ordinance comes up for final passage at the next regular meeting of the Council.

Ordinance No. 240, entitled, "An Ordinance to Require Jitney Bus and Taxicab Operators carrying passengers for hire within the City of Asheville to take out and carry liability insurance, to provide surety bonds, or make a deposit of securities with the Treasurer of the City of Asheville was unanimously passed on its second reading. A roll call was taken, and Councilman J. E. Divelbiss, Jr. voted "aye", Councilman Shuford voted "aye", Councilman Weaver voted "Aye", Councilman Carland voted "aye" and Councilman Wells voted "aye".

On motion of Councilman Shuford, seconded by Councilman Carland, the meeting was adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, December 31, 1936 - 4:30 P.M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, W. J. Etheridge, Jacob F. Weaver, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, A. Hall Johnston, Corporation Counsel, and Philip C. Cocke, Jr., Assistant Corporation Counsel. Minutes of the previous meeting were read and approved.

[illegible]

Resolution authorizing the Mayor to execute quit-claim deed was upon motion of Councilman Holmes Bryson, seconded by Councilman Carland, unanimously [illegible]:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the years [illegible]; and

WHEREAS, the General Assembly of North Carolina at its 1936 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 702 ratified March 21, 1925 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	[illegible]	[illegible]
1165	Samuel J. Fisher	184	6	4	Taylor Printetiff

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Holmes Bryson
Councilman

SECONDED BY: Eugene Carland
Councilman

Read, approved and adopted this 31 day of December, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Asst. Corporation Counsel.

[illegible]

Resolution authorizing the Mayor to execute promissory notes in the amount of $57,750.00 payable over a period of six years in payment of a judgment against the City of Asheville and in favor of The United States Fidelity and Guaranty Company rendered November 9, 1936, was upon motion of Councilman Carland, seconded by Councilman Weaver unanimously adopted.

Preliminary to the passage of the resolution Mr. Burdette read a letter from Heazel, Shuford & Hartshorn, attorneys for the U.S.F.&G offering to accept the principal, plus three per cent interest instead of six per cent allowed by the Court.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE PROMISSORY NOTES IN THE AMOUNT OF $57,750.00 PAYABLE OVER A PERIOD OF SIX YEARS IN PAYMENT OF A JUDGMENT AGAINST THE CITY OF ASHEVILLE AND IN FAVOR OF THE UNITED STATES FIDELITY AND GUARANTY COMPANY RENDERED NOVEMBER 9, 1936.

WHEREAS, the United States Fidelity and Guaranty Company has a judgment docketed in the United States Court for the Western District of North Carolina against the City of Asheville in the amount of $50,000.00, with interest thereon from November 12, 1931; and

WHEREAS, a compromise settlement has been reached by and between the parties; and

WHEREAS, the City of Asheville accepts said compromise settlement, the amount being $57,750.00; and

WHEREAS, Section 2933 of the Consolidated Statutes of North Carolina authorizes a municipality to execute its notes in payment of a judgment, said judgment being more than one cent on the hundred dollars property valuation of the then tax year:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to execute five promissory notes dated January 12, 1937, each note being in the amount of $11,550.00, and each note carrying an interest rate of 3% per annum, the first note being payable twelve months after date January 12, 1937, the second note being payable twenty-four months after date, the third note being payable thirty-six months after date, the fourth note being payable forty-eight months after date, and the fifty note being payable sixty months after date.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Jacob F. Weaver
Councilman

Read, approved and adopted, this 31st day of December, 1936.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
A. Hall Johnston
CORPORATION COUNSEL.

Preliminary to the passage of Ordinance #240 the following amendment to the ordinance was adopted:

"That Section 1 be amended as follows: After the word "after" in line 5 insert the words "January 15, 1937" in lieu of January 1, 1937.

That Section 3 be amended as follows: After the word "operated" in line 7 of Section 3 insert "Twenty-five Hundred ($2500.00) Dollars being the operator's liability to one person" in lieu of Five Thousand ($5,000.00) Dollars being the operator's liability to one person.

I move the adoption of the foregoing amendment.

Holmes Bryson
Councilman

SECONDED BY: J. E. Divelbiss, Jr.
Councilman

Mr. George Pennell, Attorney for the Moore Taxi Company filed written objections to the Ordinance, which was ordered filed.

A roll call was taken and Councilman Bryson voted "aye", Councilman Divelbiss voted "Aye", Councilman Shuford voted "aye", Councilman Etheridge voted "aye", Councilman Weaver voted "aye", Councilman Carland voted "aye" and Councilman Wells voted "aye". The Ordinance was then adopted on its third and final reading.

ORDINANCE NO. 240.

AN ORDINANCE TO REQUIRE JITNEY BUS AND TAXICAB OPERATORS CARRYING [illegible] WITHIN THE CITY OF ASHEVILLE TO TAKE OUT AND CARRY LIABILITY INSURANCE, TO PROVIDE SURETY BONDS, OR MAKE A DEPOSIT OF SECURITIES WITH THE TREASURER OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That every jitney bus or taxicab or other motor vehicle transporting passengers for which a fare is charged within the city limits of the City of Asheville (other than jitney buses and taxicabs operating under the jurisdiction of the Utilities Commission) shall be required from and after January 15, 1937 to place with the governing body of the City of Asheville a public liability insurance policy in the limits of Twenty-five Hundred ($2500.00) Dollars to five Thousand ($5,000.00) Dollars liability ($2500.00 being the company's liability limit to one person, and $5,000.00 being the company's liability limit to two or more persons), and/or a surety bond in the above amount (said surety bond being for the purpose of covering the same liability as set out in the insurance liability policy mentioned above), to indemnify any person from bodily injury, or death resulting therefrom, by reason of the operation of said jitney bus or taxicab.

Section 2. That any such person, firm or corporation or association of individuals operating taxicabs or jitney buses with a seating capacity of from one to seven persons, in lieu of furnishing such insurance, as required by Section 1 of this ordinance, may place or deposit with the treasurer of the City of Asheville money, United States Government bonds, or other securities approved by the City Council of the City of Asheville in the amount of Five Thousand ($5,000.00) Dollars for the first such vehicle or taxicab so operated ($2500.00 being the operator's liability limit to one person, and $5,000.00 being the operator's liability limit to two or more persons), and increase the amount of money or security as aforesaid by the value of Two Hundred ($200.00) Dollars for each and every added taxicab or jitney bus so operated, conditioned for the payment of any final judgment rendered on account of damage for any injury to any person or persons caused by any such vehicle or taxicab so operated. That any such person, firm, or corporation or association of individuals who elected to operate under the provisions of this section, such election shall be deemed an act authorizing the said treasurer to pay any such final judgment at any time after fifteen days of the docketing of same out of thedeposit so made with said treasurer. That the amount of deposit as above set forth is the minimum amount required, and must be kept up to such minimum at all times.

Section 3. That any such person, firm or corporation or association of individuals operating taxicabs or jitney buses with a seating capacity of seven or more persons, in lieu of furnishing such insurance, as required by Section 1 of this ordinance, may place or deposit with the treasurer of the City of Asheville money, United States Government bonds, or other securities approved by the City Council of the City of Asheville in the amount of Ten Thousand ($10,000.00) Dollars for the first such vehicle or taxicab so operated ($2500.00) Dollars being the operator's liability to one person and $10,000.00 being the operator's liability to two or more persons), and increase the amount of money or security as aforesaid by the value of One Thousand ($1,000.00) Dollars for each and every added taxicab or jitney bus so operated, conditioned for the payment of any final judgment rendered on account of damage for any injury to any person or persons caused by any such vehicle or taxicab so operated. That any such person, firm, or corporation or association of individuals who elect to operate under the provisions of this section, such election shall be deemed an act authorizing the said treasurer to pay any such final judgment at any time after fifteen days of the docketing of same out of the deposit so made with said treasurer. That the amount of deposit as above set forth is the minimum amount required, and must be kept up to such minimum at all times.

Section 4. That if any clause, sentence, paragraph or any part or provision of this ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of said ordinance, but shall be confined in its operation to the clause, section or provision or part thereof directly involved in such judgment.

I move the adoption of the foregoing ordinance, this 17 day of December, 1936.

Robert F. Shuford
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted, this 31 day of December, 1936.

Approved as to form:
Philip C. Cocke, Jr.
Assistant Corporation Counsel

R. M. Wells
Mayor

Glenn Morris
City Clerk

Don C. Young, Attorney, presented claim for Mrs. Ollie Murray, for alleged personal injuries, resulting from the explosion of fire works at 25 Broadway on December 24. This claim was upon motion, referred to the City Manager and Corporation Counsel.

To the Honorable Mayor, City Manager and Council of the City of Asheville:

The undersigned, Ollie Murray, a citizen and resident of Asheville, residing at 318 Biltmore Ave., in said City, by and through Don C. Young, her attorney of record, who is acting for her and at her special request, hereby files claim against the City of Asheville for damages for personal injuries sustained by the said Ollie Murray at the time, place and manner hereinafter set out, towit:

1. Date. Claimant was injured on the 24th day of December, 1926, at about 10:00 o'clock P.M.

2. Place. Claimant was injured on Broadway one of the principal thoroughfares of the City of Asheville, in front of No. 25 Broadway.

3. Manner of injury infliction. The said Ollie Murray had gone with her husband, Furman Murray, in her automobile from their home down on the lower end of Broadway, and when returning home up Broadway her husband parked her automobile in the street directly in front of No. 25 Broadway, and he left the automobile and went into a cafe nearby to get something to eat leaving the said Ollie Murray sitting in the automobile while he was gone; that the building numbered and known as No. 25 Broadway was being used for the sale of firecrackers, rockets, torpedoes and other fireworks of an explosive nature, and for this purpose there was at that time stored in said building a large quantity of said explosives; that report of the amount and quantity of said explosives and the location thereof had been or should have been made to the Chief of the Fire Department and that the City of Asheville had previously licensed the tenant of said building, A. O. Mooneyham, to store and sell firecrackers and other explosives in said building at said location and in compliance with said license he had stored an immense quantity of high explosives and was then engaged in selling and disposing of the same; that the said A. O. Mooneyham had located in said store an open charcoal fire which was permeated with such intense heat that the receptacle was red hot and in addition to said open fire he had a stove which consumed gasoline to generate the heat and the said Ollie Murray has been advised and believes that said gasoline stove was in a bad leaky condition and that gasoline was leaking therefrom which produced in said stove and in close proximinity to said charcoal fire fumes of gasoline, and that the clerks in said store were serving numerous customers therein and wrapping and delivering numerous packages of fireworks and explosives around said gasoline stove and charcoal fire, and that all of these things were known, or should have been known, to the City of Asheville; that the said No. 25 Broadway is located within two blocks of the public square of the City of Asheville on one of the most congested streets of said city; that it is a wide thoroughfare with a sidewalk on each side and the said claimant was sitting in her automobile parked next to the curb on the West side of said street with only the width of the sidewalk between her automobile and the building containing the explosives; that she was parked where she had a right to be and where she had a right to expect that her safety was assured by the proper inspection, acts, and conduct of the servants, agents and employees of the said City of Asheville; that while sitting in said automobile the said store building containing said high explosives suddenly exploded and fire, smoke, fumes and vapors of various and sundry kinds issued forth from the front of said building and enveloped this claimant and her automobile, setting the automobile of the claimant on fire and forcing claimant to seek safety in flight in a semi-conscious condition; that the said City of Asheville had negligently and carelessly permitted this large quantity of high explosives to be stored in this building in the congested business district of the City and to permit an open charcoal fire to constantly burn in close proximinity to said high explosives and dangerous fireworks and without due regard to the safety of the public and particularly the safety of this claimant in using this public street of the City of Asheville; that the said Broadway is habitually used by pedestrians, automobiles and other traffic, both day and night, and that the storing and handling of the said explosives and said location constituted a menace to the citizenship of the City of Asheville and the way and manner of its handling and storing as herein enumerated constituted a public nuisance on said public street in the City of Asheville and was directly in violation of the duty and responsibility of said city to keep its public streets in a safe condition for the use of the public.

4. Character of the injury. That when the said fireworks exploded in said store the fire, dust and all kinds of debris issued forth from the front of said store directly and around claimant and her automobile setting fire to the automobile and completely demolishing the same, abd through suffocation and heat this claimant became semi-conscious, crawled out of said automobile toward the cafe where her husband was located and after being given first aid treatment at a nearby drug store was taken to a hospital; that she has suffered untold pain physically and mentally and has been under the care and treatment of a physician since said time and as a result thereof has suffered serious and permanent injuries.

5. Amount of damages claimed. That as result of the negligence on the part of said City as aforesaid claimant has received property damages by the destruction of her automobile in the sum of $300.00 and personal damages because of her physical injuries in the sum of $5,000.00, for which this claimant now makes claim for restutition against the City of Asheville.

Respectfully submitted, this the day and year first above written.

Ollie Murray, Claimant
By Don C. Young, Attorney for Claimant.

John C. Kilpatrick, [illegible] Street, between Pine and [illegible]

Vice-Mayor Ray [illegible] ordinance prohibiting the [illegible] City of Asheville to be [illegible] and Beaver and unanimously [illegible]

[illegible] hereof, [illegible]

R. W. Wells
Mayor

Glenn Morris
[illegible]

[illegible]

Motion was made [illegible] journ for lack of a quorum.

R. W. Wells
Mayor

Glenn Morris
[illegible]

[illegible]

The City Council met in regular session. Vice-Mayor Ray presiding. Present Councilmen H. G. Etheridge, [illegible] and Holmes Bryson. Minutes of the previous meeting were read and approved.

[illegible]

Resolution [illegible] resolution adopted on August 23, 1926, to [illegible] and the registered water refunding bonds of the City of Asheville from R-1 upwards and NR-1 upwards [illegible] Councilman Eugene Carland, [illegible] Etheridge voted "aye", Councilman Bryson voted "aye", Councilman Ray voted "aye", and Councilman Carland voted "aye".

RESOLUTION

WHEREAS, on the 23rd day of August, 1926 the [illegible] ville adopted a resolution [illegible] bonds and water refunding bonds of the City of Asheville, [illegible]

WHEREAS, said resolution provided that the [illegible] refunding issue should be numbered from R-1 upwards and the registered water refunding issue should be numbered from R-1 upwards; and

WHEREAS, the registered bonds of the [illegible] bered from R-1 upwards and NR-1 upwards, and the registered [illegible] issue have been numbered from R-1 upwards and NR-1 upwards;

NOW, THEREFORE, [illegible]

That the registered general refunding bonds authorized by the aforesaid resolution shall be numbered from R-1 upwards and NR-1 upwards, and the registered water refunding bonds authorized by the aforesaid resolution shall be numbered from R-1 upwards and NR-1 upwards.

I move the adoption of the foregoing resolution.

[illegible]
COUNCILMAN

SECONDED BY: Eugene Carland
COUNCILMAN

...ed, this 14th day of January, 1937.

VICE-MAYOR

CITY CLERK

...y Court.

Philip C. Cocke, Jr.
Asst. ... Attorney

...ppell, Attorney, presented claim for U. Lutz, for alleged personal injuries, resulting from an explosion of five works at 25 Broadway on December 24, 1936. This claim was upon motion referred to the City Manager and Corporation Counsel.

To the Honorable Mayor and the City Council of the City of Asheville:

The undersigned hereby presents his claim on demand in writing for damages for personal injuries sustained by him pursuant to the requirements of the Charter of the City of Asheville:

I. That the cause of the injury was on the fifth day of December, 1936.

II. That place of occurring or infliction of such injury was on Merrimon Avenue, at or near the intersection with Chestnut Street.

III. The manner of such infliction was that an impediment in the form of a raised place was allowed to remain in the sidewalk at the place aforementioned, and without the same being properly guarded or lighted at night to indicate to the pedestrian that such a hole existed.

IV. The nature of the injury inflicted was external injuries to the right ... wrenching he was required to remain in bed under the care of a physician, and unable to work for a considerable period of time.

V. The amount of [illegible] claim [illegible] to the sum of Two Thousand Dollars ($2,000.00).

Respectfully submitted,

U. Lutz

S. J. Pegram, Attorney, presented claim for W. C. Wallen, for alleged personal injuries, resulting from the explosion of five works at 25 Broadway on December 24, 1936. This claim was upon motion, referred to the City Manager and Corporation Counsel

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

W. C. WALLEN,
Claimant

vs.

THE CITY OF ASHEVILLE,
Defendant

NOTICE OF CLAIM FOR PERSONAL INJURIES

To the Honorable Mayor, City Manager and Council of the City of Asheville:

The undersigned, W. C. Wallen, a citizen and resident of Asheville, residing at Oak Park Road in said City, by and through S. J. Pegram, his attorney of record who is acting for him and at his special request, hereby files claim against the City of Asheville for damages for personal injuries sustained by the said W. C. Wallen at the time, place and manner hereinafter set out, to-wit:

I.

Date. Claimant was injured on the 24th day of December, 1936, at about 10:00 o'clock, P. M.

Place. Claimant ...

Manner of injury. ... conducted a business ... business, ... ers, torpedoes, and other ... was at the time stored ... the amount and quantity ... have been made to the City ... and unanimously licenced ... canzons and other explosives ... of said license had stored ... in selling and dispensing ... stove in open charcoal fire ... oil was red hot, and to ... lene to generate the gas; ... said gasolene stove was in ... therefrom, which produced ... fumes of gas; and that slowly ... wearing and delivering ... lene stove and charcoal fire; ... known to the City of Asheville ... blocks of the public square ... in said City. And that, as the ... a right to expect that his ... of the servants, agents, ... ent was entering said building, ... this claimant out to the street and ... will be more fully hereinafter set forth:

That the said City of Asheville ... ith of explosives to be stored ... to permit an open charcoal fire ... explosives and dangerous fire ... and particularly to the safety ... and believes that the said City of Asheville ... said place of business and ... licenced to ... that the said City had further committed the same ... in close proximity to the said ... that the said City of Asheville, in the way and manner of handling, ... stored a large quantity of ... explosives, so as to create and permit a public nuisance on and in the vicinity of 25 Broadway, ... street and was directly in violation of the duty and responsibility ... protect the persons who were rightfully using said street and entrance ... That this claimant further states that the City of Asheville was ... negligent in permitting and sanctioning ... nuisance to be established and maintained ... proximity of said City as above described.

Character of injuries. That when said fire was set in said stove ... this claimant was hurled from the entrance of said store on ... severely burned by flames which were thrown out of said stove at the time ... explosion along with this claimant. That this claimant suffered from ... he was severally burned on his ... jured; that this claimant sustained cuts and bruises over his entire body; ... claimant's right hand has been permanently injured; that his ... from injuries received to his arms and head, and that claimant's ... system has been greatly shocked and injured; and that he has suffered ... pain both in mind and body from the results of said explosion and by the result of the City's negligence. That the claimant was taken to the Mission ... was temporarily treated, and that the claimant was ... hours after said explosion. That this claimant has been ... treatment and doctor bills, and ... time of said explosion was ... Thousand ($5,000.00) Dollars.

WHEREFORE, this claimant gives notice, and makes demand ... City of Asheville for the ... of Five Thousand ($5,000.00) Dollars.

Respectfully submitted this the 14th day of January, 1937.

W. C. Wallen

By S. J. Pegram
Attorney for Claimant

Report [illegible] Smith, attorney representing Mrs. L. M. Myers, requested the Council [illegible] the Mayor to execute quit claim deed to a lot on Sand Hill Road, namely [illegible] situated on a plat of the property of Geo. F. Bater and others. On motion of Bureau Copeland, seconded by Jacob F. Weaver, this was referred to the Corporation Counsel for report.

Mr. [illegible] Dreyer, attorney, requested the City Council to pass a plumbing ordinance. This matter was referred to the City Manager.

There being no further business, the meeting was upon motion, adjourned.

Holmes Bryson
Vice-Mayor

Glenn Morris
Acting City Clerk

Thursday, January 21, 1937--4:30 P.M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, H. G. Etheridge, Jacob F. Weaver, Eugene Carland, Robert M. Wells and Philip C. Cocke, Jr., Assist. Corporation Counsel. The minutes of the previous meeting were read and approved.

Resolution authorizing the City Manager to enter into negotiations with the Chase National Bank and the Irving Trust Company of the City of New York to have destroyed and cremated all of the old City Bonds and Notes and any and all Coupons, attached thereto or detached, was upon motion of Councilman Carland, seconded by Councilman Robert E. Shuford, unanimously adopted.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH THE CHASE NATIONAL BANK AND THE IRVING TRUST COMPANY OF THE CITY OF NEW YORK TO HAVE DESTROYED AND CREMATED ALL OF THE OLD CITY BONDS AND NOTES AND ANY AND ALL COUPONS, ATTACHED THERETO OR DETACHED.

WHEREAS, the Chase National Bank of the City of New York and the Irving Trust Company of the City of New York have in their possession certain bonds and notes and coupons of the City of Asheville; and

WHEREAS, the agreement entered into by and between the Noteholders and Bondholders Protective Committees to refinance the obligations of the City of Asheville is now being completed; and

WHEREAS, the City Council of the City of Asheville deems it advisable and necessary to have destroyed and cremated all of the so-called old bonds and old notes and old interest coupons, either attached or detached;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager, P. M. Burdette, be and he is hereby authorized and instructed to enter into such negotiations as he may deem advisable with the Chase National Bank and the Irving Trust Company to have cremated and destroyed those certain bonds, notes and coupons above mentioned.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: Robert E. Shuford
Councilman

Read, approved and adopted, this 21st day of January, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
ASSISTANT CORPORATION COUNSEL.

On motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

[illegible], January [illegible], 1937. [illegible] P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, Robert E. Shuford, H. G. Etheridge, Jacob F. Weaver, Eugene Carland, Robert M. Wells, and Philip C. Cocke, Jr., Assistant Corporation Counsel. Minutes of the previous meeting were read and approved.

Mr. Philip C. Cocke, Jr., Assistant City Attorney, reported that a conference was held in New York with the committee of all of the [illegible] in regard to cremation would not take [illegible] until the bonds of the [illegible] Districts [illegible] able for cremation.

Mayor Wells reported that Mr. Hawkins, an [illegible] had complained of the condition of the street. This was referred to the City Manager.

Mayor Wells reported that Mr. Harold Russell of the WPA [illegible] Post had volunteered to replace the policeman who was out of the city [illegible] work in the flood districts with pay of [illegible] and trucks furnished.

There being no further business, the meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

[illegible], January [illegible], 1937. [illegible] P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., H. G. Etheridge, Jacob F. Weaver, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Assistant Corporation Counsel. Minutes of the previous meeting were read and approved.

COMMITTEE [illegible]
ICE CREAM AND MILK

Councilman Eugene Carland, Chairman of Milk & Ice Cream Committee, reported that in view of the Legislature's recent [illegible] Ice Cream and Milk law for the [illegible] city, the committee [illegible] make at this time.

RESOLUTION [illegible]

The City Manager presented resolution entitled, "Resolution [illegible] the Appointment of the Secretary of the Sinking Fund Commission [illegible] as Bond Registrar for the City of Asheville" which upon motion of Councilman [illegible], seconded by Councilman H. G. Etheridge, was unanimously passed.

RESOLUTION AUTHORIZING THE APPOINTMENT OF THE SECRETARY OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY AS BOND REGISTRAR FOR THE CITY OF ASHEVILLE

WHEREAS, certain funding bonds of the City of Asheville have been registered in a record book kept in the office of the Secretary of the Sinking Fund Commission for Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the secretary of the Sinking Fund Commission for Buncombe County be and he hereby appointed [illegible] for the refunding bonds of the City of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted this 4th day of February, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
ASST. CORPORATION COUNSEL.

[illegible] Sawyer, Attorney and Dan C. Young, Attorney, representing the Optimist Club, requested the City Council to see that better bus service was furnished during the peak hours of travel. This was referred to the City Manager.

The City Manager, P. M. Burdette, read a report from the Corporation Counsel in which he recommended that judgments in certain bond suits against the City be marked paid in full when refunding bonds were transferred recently. He stated that a total of all bonds and documents were filed in the office of the Corporation Counsel.

There being no further business, on motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, February 11, 1937--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present, Councilmen Robert F. Shuford, H. G. Etheridge, Eugene Carland, Robert W. Wells, City Manager P. M. Burdette, and Assistant Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

[illegible]

Claim for alleged personal injuries to Dick Taylor was filed by his attorney, Zebulon Weaver, Jr., and was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA (NOTICE OF CLAIM FOR
COUNTY OF BUNCOMBE) PERSONAL INJURIES
(
0
DICK TAYLOR)
Plaintiff (
-vs-)
THE CITY OF ASHEVILLE (
Defendant)

TO THE HONORABLE MAYOR, City Manager and Council of the City of Asheville:

The undersigned, Dick Taylor, a citizen and resident of the City of Asheville, by and through his attorney, Zebulon Weaver, Jr., who is acting for him at his special request, hereby files claim against the City of Asheville for damages for personal injuries sustained by the said Dick Taylor at the time, place and manner hereinafter set out, to-wit:

1.

Date. Claimant was injured on the 9th day of February, 1937, at about 1:00 P.M.

2.

Place. Claimant was injured at the intersection of South French Broad Avenue and Livingston Street.

3.

Manner of injuries inflicted and cause thereof. That the said Dick Taylor was operating a truck in the due course of business on the above stated date, and was traveling in a southern direction on South French Broad Avenue when the front wheel of his 1½ ton truck fell into an excavation or man-hole, which was open; said man-hole being left open by the City of Asheville; and that the said Dick Taylor was thrown violently against the steering wheel and windshield of said truck, sustaining painful and permanent injuries to his head, back, shoulders, chest and abdomen; and that as a result of said injuries thus sustained this claimant has been forced to discontinue his work, and is advised, and believes, by a physician that he will be unable to continue his work for an indefinite period of time. That the said claimant is at the present time suffering excruciating pain over his entire body as a result of said injuries above described.

That this claimant states that said excavation or man-hole was located on the right hand side of [illegible] French Broad Avenue at the entrance of the street known as to the intersection of Livingston Street, traveling [illegible] and that said French Broad Avenue at this point is in the [illegible] section of the City; and that said excavation was made and left open on the [illegible] cent of said street, it being a public highway; and that this claimant [illegible] perfect legal right and did use due precaution in the operation of said truck; and that this claimant states that the said City by allowing said excavation to be left open, said excavation [illegible] proximately four feet and three-fourths feet wide; that this claimant is further informed that the city had due notice of said dangerous condition that existed, and that other persons suffered injuries from said excavation, and that said excavation had been left open in said condition for a long period of time; and that the said City had due notice of the condition which existed on one of its public streets, and that it was the duty of the city to place its streets in a safe condition, and that the city allowed said condition to exist, establishing a nuisance, and that the city was grossly negligent in the City of Asheville, this claimant has been severally and permanently injured in mind and body, as above described.

WHEREFORE, this claimant states notice and makes demand against the City of Asheville for the amount of Fifteen Thousand ($15,000.00) Dollars, for injuries sustained.

Respectfully submitted, this the 11th day of February, 1937.

Zebulon Weaver, Jr.
Zebulon Weaver, Jr., Attorney
for Claimant.

[illegible]

Notice of Claim for personal injuries to Richard Blount was filed by his attorney Sanford Brown, and was referred to the City Manager and Corporation Counsel.

NORTH CAROLINA
BUNCOMBE COUNTY

TO THE CITY MANAGER, MAYOR)
AND COUNCILMEN OF THE CITY OF (NOTICE OF CLAIM
ASHEVILLE, ASHEVILLE, N. C.)

RICHARD BLOUNT, claimant hereinafter named, hereby gives notice and makes claim as follows:

I.

That the claimant herein is thirty-nine years of age and resides and has his place of business at #152 South French Broad Avenue, City of Asheville, County of Buncombe, State of North Carolina.

II.

That about 10:00 o'clock P. M., on Monday, February 8, 1937, while the claimant was in the act of clearing away glass and other debris from the sidewalk along the east side of South French Broad Avenue, at premises the claimant's aforestated residence and place of business address, he was seriously injured and damaged upon stepping from the curb upon what he supposed and what should have been the surface of an iron grating over a storm sewer in the gutter of said Avenue at said place, but which he found to be an unguarded, unlighted, open hole into which he fell downward several feet, thereby painfully and in all probability, permanently injuring his right foot, ankle, leg and other parts of his body, all to his great pain, suffering and [illegible].

III.

That the injuries and damage suffered and sustained by the claimant on the aforestated occasion are: That his right foot, ankle and [illegible] leg fractured, sprained, lacerated and bruised in said fall, and that same [illegible] necessary for him to be under the care of a physician therefor over [illegible] have caused him to undergo severe pain and suffering in both body and mind, that he is and has been completely disabled therefrom, and has caused him to lose much time from his normal remunerative duties and have caused him to incur great expense in the form of doctor's bills, medicine bills and other [illegible] of his great damage in the sum of Fifteen ($15.00.00) Hundred Dollars.

IV.

That the aforestated injury and damage was sustained by the claimant as a direct and proximate result of the negligence of the City of Asheville, in that said City negligently permitted the iron grating over the storm sewer in the drainway or gutter of South French Broad Avenue, at the aforementioned place thereon, to become broken, defective, dislodged, or in some manner removed therefrom, thereby creating a deep hole and dangerous condition, and after so

as fully as with knowledge thereof, or in the exercise of due care it would have known of same, to its permit said dangerous condition to continue unattended and without warning of any kind to the travelling public or those likely to travel said public street until the claimant was injured and damaged therefrom, as aforesaid and for a considerable period of time thereafter, and as a direct and proximate result thereof the claimant has been injured and damaged in the aforesaid amount.

WHEREFORE, on the hereinbefore stated grounds, this claimant gives notice of his/her claim against the City of Asheville in the sum of Fifteen Hundred ($1500.00) Dollars, and for such other and further relief as he may be entitled to in the premises.

Sanford Brown
Attorney for Claimant.

STATE OF NORTH CAROLINA

BUNCOMBE COUNTY

Richard Blount, being first duly sworn, deposes and says:

That he is the claimant in the above entitled Notice of Claim; that he has read and knows the contents thereof; that the same is true of his own knowledge except as to those matters and things therein stated upon information and belief and as to such matters and things he believes it to be true.

Richard Blount

Sworn to and subscribed before me, this 10 day of February, 1937.

J. D. Moore
Notary Public

My Commission Expires
Jan. 8, 1939 (Seal)

Robert Lee Smith, Attorney, again requested quit-claim deed for small strip of land known as the Sand Hill Road bed, to Mrs. L. M. Meyer. This was referred to the Corporation Counsel.

There being no further business, the meeting was on motion, adjourned.

Mayor

Glenn Morris
City Clerk

Thursday, February 18, 1937--4:30

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Holmes Bryson, Eugene Carland, H. G. Etheridge, Robert E. Shuford, R. M. Wells, and Assistant Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

[illegible]

A card of appreciation was read from the Whitefoord Smith family for expression of sympathy from the City Council and Corporation Counsel.

[illegible]

A letter was read from the Daughters of the American Revolution Edward Buncombe Chapter inviting the City Council and their Ladies to a George Washington Birthday Party on February 22, at 7:30 P. M. at the Assembly Room, County Court House.

[illegible]

Don C. Young, Attorney, presented a petition from the residents of Burton Place, West Asheville, requesting that the name be changed to Brucemont Place. Also a request for a proper entrance to Brucemont Circle at Majestic Avenue and Louise Avenue; and to renumber the houses on Brucemont Circle. This was referred to the City Manager.

[illegible]

Upon motion of Councilman Carland, seconded by Councilman [illegible], resolution authorizing the Mayor to execute quit-claim deed to Mrs. L. M. Meyer was unanimously passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO MRS. L. M. MEYER

WHEREAS, [illegible] lot of the City for Mrs. L. M. Meyer's [illegible] Asheville lot [illegible] west end of Mrs. L. M. Meyer's lot, [illegible] road bed of Sand Hill [illegible] in the City of Asheville; and

WHEREAS, [illegible] part of said road bed has been [illegible] to the City of Asheville and to [illegible] to said City, and Mrs. L. M. Meyer being the owner of the lot, [illegible] part of which was the old road bed;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized to execute quit-claim deed to Mrs. L. M. Meyer for lot #12, Tract 5, Sheet 12, of the City Tax Map of the City of Asheville, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes as advertised by the proper tax officers.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded By: Robert E. Shuford
Councilman

Read, approved and adopted this 18th day of February, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
ASST. CORPORATION COUNSEL.

[illegible]

Upon motion of Councilman Carland, seconded by Councilman Shuford, resolution was unanimously passed authorizing the Mayor to execute quit-claim deed to L. B. Jackson & Company.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1932; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 747 ratified March 21, 1935 gives any governmental unit which has acquired title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and all costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	TAX MAP	MAY DEED TO
1197	Katie Glickman	349, 350 351	1	4	L. B. Jackson & Company

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

SECONDED BY: Robert F. Shuford
Councilman

Read, approved and adopted this 18th day of February, 1937.

P. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
Asst. Corporation Counsel.

On motion, adjourned.

MAYOR.

Glenn Morris
City Clerk.

Tuesday, February 25, 1937--7:30 P. M.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen J. E. Divelbiss, Jr., Robert F. Shuford, Howard G. Etheridge, Eugene Carland & P. M. Burdette, City Manager. Minutes of the previous meeting were read and approved.

On account of the absence of the Mayor and Vice-Mayor, upon motion of Councilman Shuford, seconded by Councilman Etheridge, Councilman Carland was named Mayor Pro-Tem.

Upon motion of Councilman Divelbiss, Jr., seconded by Councilman Robert F. Shuford, resolution regretting the death of Dr. John Nolen was unanimously passed.

RESOLUTION REGRETTING THE DEATH OF DR. JOHN NOLEN.

WHEREAS, the City Council having learned with deep regret of the death of Dr. John Nolen, nationally known city planner, at his home at Cambridge, Massachusetts, February 18, 1937, desires to join in the wide tribute being paid at this time to his work and worth, and especially in recognition of his valuable professional service as author of a comprehensive city plan for Asheville designed to guide the city's future growth:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That we express appreciation of his interest in visioning the possibilities for Asheville as indicated by his published city plan in becoming a more beautiful and well planned city, the realization of which would permanently contribute to the enjoyment and benefit of its residents and of the thousand of visitors who annually come here for health and recreation.

And be it further RESOLVED that we regard the passing of Dr. Nolen as a great loss to the nation-wide field in which his professional services were sought and so ably exercised.

And be it further RESOLVED that we express our deep sympathy to his family and the assurance to them that he will ever be regarded as one whose influence on this city rendered it a better place in which to live and work.

And be it further RESOLVED that a copy of these resolutions be sent to his family and also spread upon the minutes of this meeting.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

Seconded by: Robert F. Shuford
Councilman

Read, approved and adopted this 25th day of February, 1937.

Eugene Carland
Mayor Pro-Tem.

Glenn Morris
City Clerk.

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Asst. Corporation Counsel.

Attorney Cecil Jackson, representing Ben Butler, filed notice of claim for damages to his property located at 78 Pine Grove Street, caused by overflowing of a sewage line. Upon motion this was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA)
: NOTICE OF CLAIM
COUNTY OF BUNCOMBE.)

TO THE CITY COUNCIL AND THE HONORABLE P. M. BURDETTE, MANAGER OF THE CITY OF ASHEVILLE, A MUNICIPAL CORPORATION.

Ben Butler, a citizen and resident of the city of Asheville, Buncombe County, State of North Carolina, being duly sworn according to law deposes and says:

1.

That he is a citizen and resident of the City of Asheville, Buncombe County, North Carolina, and has been for more than twenty years; and that he resides and owns the lot or parcel of land at Number 78 Pine Grove Street in said city; and that he is making claim to the City of Asheville for same to damage his house, among his belongings by the backing up and overflowing of a sewage line on his said property in the flooding of his house.

2.

That the affiant bought said property about Eight Hundred Dollars several years ago and has resided upon said property since the purchase thereof.

3.

That the house of the affiant located on said lot or parcel of land located at Number 78 Pine Grove Street consists of two apartments, to-wit: a first and second floor, the first floor or basement floor consisting of seven rooms, prior to the times of the injuries herein complained of, and the second floor consisting of five rooms.

4.

That during the latter part of the winter in the year 1935, the affiant's home and property was flooded with the backing up and overflowing of a sewage line; and that part of the second floor and all of the first floor of the affiant's home was flooded, and the first floor covered in several feet of sewage and waste caused by the overflowing and backing up of said sewage line or lines in said streets.

5.

That the affiant notified the Sanitary Department of the City of Asheville in the year 1935 after he had dinned and cleaned the sewage and waste out of his home several times, and it continued to be flooded; that after affiant notified the City Sanitary Department, City workmen came to the affiant's home and cleared the sewage line at the head of Pine Grove Street and at other points so that it would not flow over and back up and flood affiant's home; that the said city workmen that opened up the sewage line promised the affiant that they would clean the home and remove the sewage and waste therefrom, but they never did this, as they promised to do.

[illegible] 1936 the affiant's home was again flooded with sewage and waste, as it had been in 1935, and that the affiant again called upon the City Sanitary Department, which department and workmen went through the same process that it had the previous year, and again promised affiant that they would cleanse the sewer and sewage line therefrom, but they [illegible] and that the sewage line is now clogged affiant's home and premises.

That during the month of January 1937, the affiant's home was again flooded with sewage, and that again the affiant notified the Sanitary Department of the City of Asheville, which went through the same process and it [illegible] the workmen were in repairing said sewage line or lines in said streets.

That on each of the times mentioned the affiant's home has been flooded with several feet of sewage and waste and his ground floors and furnishings located in the first floor have been ruined by said sewage and waste matters; and that the affiant has been put to considerable expense and work in removing the waste and sewage from his home and in hiring plumbers to work on said line in an effort to keep it from overflowing.

That as a result of the flooding of the floors the partitions and compartments in said first floor have warped and become rotten, and the affiant has been forced to remove same from his home.

That as a result of the continuous flooding of said home and the first floor, the first which the foundation has begun to crumble and fall and the foundation is now ready to fall, and the whole house is in danger of falling; that the affiant has no other place to move and has no financial or other means to take care of his family and himself until he can have the foundation and the house rebuilt and put in a livable condition.

That all of the injuries and damages were directly caused by the overflowing of said sewage line from said street or streets and the failure of the City Sanitary Department to properly maintain said sewage liner in the street before and upon after due and proper notice thereof; and that there is imminent danger of typhoid unless the home and the first floor, particularly, is cleansed and properly repaired; and that the front and side of said home is in imminent danger of falling which might result in the serious injury or death to the affiant or members of his family, and that part of said foundation has already fallen from under said house.

Wherefore, the premises considered, the affiant requests the City of Asheville to pay and reimburse him for the damage and injuries that he has sustained, and hereby makes claim in the sum of One Thousand ($1,000.00) Dollars for injuries to his property and belongings.

BEN BUTLER
AFFIANT

SWORN TO AND SUBSCRIBED before me this the 22nd day of February, 1937.

Ralph O. Lee
Notary Public for Buncombe County,
North Carolina.

MY COMMISSION EXPIRES:
Mar. 10, 1938.

On motion, adjourned.

R. W. Wells
Mayor

Glenn Morris
City Clerk

[illegible] March 4, 1937 [illegible]

The City Council met in regular session, Mayor [illegible] presiding. Present: Councilmen Helms, Burton, Etheridge, [illegible], Cathey, Cooper, Walls, and City Manager [illegible].

[illegible]

A delegation from [illegible] Baltimore [illegible] that [illegible] as South Biltmore be [illegible] City limits. [illegible] Council [illegible] bill had been drawn and was [illegible] representatives wanted [illegible] from the City Council. [illegible] the City Manager.

Upon motion [illegible] the meeting was adjourned [illegible] Carland, who died Wednesday, [illegible] resolution and this committee [illegible]

[illegible] moved that [illegible]
" Helms Burton
" Robert B. Cathey

On motion [illegible].

R. W. Wells
Mayor

Glenn Morris
City Clerk

Thursday, March 11, 1937.

The City Council met in regular session, Mayor Wells presiding. Present: Councilmen Howard G. Etheridge, J. C. Cathey, Jr., Robert B. Cathey, Jr., [illegible] and Assistant Corporation Counsel Philip C. Cooke, Jr. [illegible] meeting were read and approved.

[illegible]

The Family of Councilman Carland [illegible] expression of sympathy recently in the death of Mrs. Carland.

Resolution regretting the death of Mrs. Lucy Johnston Carland, wife of Councilman Eugene Carland was upon motion of Councilman [illegible], seconded by Councilman Robert B. Cathey, unanimously adopted.

RESOLUTION [illegible] CARLAND, [illegible]

WHEREAS, Mrs. [illegible] Carland, [illegible] March 4, 1937; and

WHEREAS, Mrs. Carland having lived [illegible] service to [illegible], and being [illegible] beloved by [illegible] life of those [illegible]

NOW, THEREFORE, [illegible] OF ASHEVILLE:

That this Council [illegible] Carland, [illegible] Mrs. Lucy Johnston Carland, [illegible] the deceased; and [illegible] the minutes of the City of Asheville, and [illegible] family of the late Mrs. Carland.

I move the adoption of the foregoing resolution.

H. G. Etheridge
Councilman

Seconded by: Robert B. Cathey
Councilman

Read, approved and adopted, this 11th day of March, 1937.

Robert W. Wells
Mayor

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
Asst. Corporation Counsel

Glenn Morris
City Clerk

...ing bus service and a five cent fare for all, including school children, was read and referred to the City Manager and Corporation Counsel. ... communication was from Mr. Herbert P. ...

...ney

Claim of M. L. Horton for alleged personal injuries was presented by Attorney Piercy Carter, and referred to the City Manager and Corporation Counsel.

TO THE HONORABLE R. M. WELLS, MAYOR OF THE CITY OF ASHEVILLE, P. M. BURDETTE, MANAGER, AND BOARD OF COUNCILMAN OF SAID CITY:

M. L. Horton does hereby notify the City of Asheville, through its proper officials, that he has a claim against the City of Asheville for expenses for doctor bills, hospital bills and dentist bills and loss of services, and does hereby adopt and attaches hereto a copy of the claim filed by Margaret Horton with respect to the wrongful acts and negligence of the City of Asheville, and the facts relative to said injuries so received; that the said Margaret Horton is a minor of the age of 16 years and this claimant is advised that he is responsible for the care and custody of said minor, and does hereby demand and request that the City allow his claim for the necessary expenses and loss of services occasioned by its negligence as set forth in the aforesaid claim, said expenses and loss of services, etc., would reasonably amount to the sum of One Thousand ($1,000) Dollars, and this claiment demands payment of said amount as compensation in the above matter.

Respectfully submitted, this the 11th day of March, 1937.

L. M. Horton

By Ford, Coxe and Carter
Attorneys

TO THE HONORABLE R. M. WELLS, MAYOR OF THE CITY OF ASHEVILLE, P. M. BURDETTE, MANAGER, AND BOARD OF COUNCILMEN OF SAID CITY:

The undersigned, Margaret Horton, by her next friend, L. M. Horton, and Attorneys, Ford, Coxe & Carter, does hereby notify you that on or about the 17th day of January, 1937, Margaret Horton, residing on Vermont Street in the City of Asheville, formerly West Asheville, was seriously and permanently injured in an automobile accident occasioned by the negligence of the City of Asheville in that the said city unlawfully, wrongfully, negligently and carelessly permitted, allowed and maintained an obstruction on Vermont Street in the City of Asheville, formerly West Asheville, a public street in a densely populated community and frequently used by the residents of said community and other persons, said obstruction being composed of lumber or plank extending from the curb of said Vermont Street a distance of approximately two feet into the traveled portion of said street and being approximately 8 inches in height at the curb of said street, which said obstruction and condition constituted a dangerous and hazardous condition on said street; that in addition thereto the said City of Asheville negligently, carelessly, unlawfully and wrongfully failed and refused to supply lights in such position as to disclose the dangerous and hazardous obstruction in said street in the night time to automobile operators and to people traveling and using said street, as a consequence of which unlawfully, wrongfully, wanton and negligent conduct on the part of the City of Asheville, the claimant, Margaret Horton, while riding in an automobile on said street which was being driven by one E. J. Ferguson, Jr., about 7:30 o'clock P. M. on the 17th day of January 1937, was seriously and permanently injured and damaged by reason of said car coming in contact with said obstruction in said street and thereby causing said car to swerve and com in contact with a tree or stationary object with such force and violence as to demolish said automobile, as a result of which this claimant received concussion of the skull, fractures of the lower and upper jaw, the loss of four teeth, broken ribs and arm broken in two places, injuries to her feet and legs and other serious wounds and bruises.

That as a result of such injuries the claimant has been confined to a hospital for several weeks, been under the care of nurses, physicians and dentists and is still suffering excruciating pain and anguish and disfigurement, and is advised that said injuries so received as aforesaid are permanent in their nature.

WHEREFORE, this claimant demands of the City of Asheville as compensation for said injuries, by reason of the aforesaid negligence and other acts of negligence the sum of Thirty-five Thousand ($35,000.00) Dollars, and demands payment of the same.

Submitted, this the 11th day of March, 1937.

Margaret Horton, Claimant

L. M. Horton, Next Friend,
By Ford, Coxe & Carter
Attorneys

On motion ... the following resolution was adopted:

Mayor.

Thursday, March 18, 1937--4:30 P. M.

The City Council met in regular session Thursday afternoon, March 18, 1937, at the Council Chamber, in the Municipal Building, Asheville, N. C. Mayor Robert M. Wells presided. Present: Councilmen Helms Bryson, J. F. Divelbiss, Jr., Robert F. Shuford, Howard C. Etheridge, Jacob F. Weaver, Eugene Copland, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Assistant Corporation Counsel. Minutes of the previous meeting were read and approved.

...

The following resolution, authorizing the issuance of notes of the City of Asheville in the principal sum of $57,750.00, to bear interest at 3% per annum, pursuant to the Municipal Finance Act, as amended, for the purpose of paying a judgment against the City, was offered by Councilman J. F. Divelbiss, Jr., who moved the adoption of the same, which motion was seconded by Councilman Robert F. Shuford, Jr. All members of the Council were present and a vote being taken, every member of the Council voted in favor of the adoption of the resolution and no member of the Council voted in opposition, and the resolution was unanimously adopted.

A RESOLUTION AUTHORIZING THE ISSUANCE OF $57,750 OF NOTES OF THE CITY OF ASHEVILLE, PURSUANT TO THE MUNICIPAL FINANCE ACT, AS AMENDED, FOR THE PURPOSE OF PAYING A VALID JUDGMENT AGAINST SAID CITY.

WHEREAS, on the 9th day of November, 1936, a decree was signed by ... Webb, United States District Judge for the Western District of North Carolina, at Asheville, in the case entitled " UNITED STATES FIDELITY AND GUARANTY COMPANY, a Corporation, Plaintiff, vs. THE CITY OF ASHEVILLE, a municipal corporation, Defendant" and by the terms of said decree it was adjudged that the plaintiff have and recover of the City of Asheville the principal sum of $50,000 with interest thereon at the rate of six per centum from and after November 12, 1931, and the costs incurred in said suit, and

WHEREAS, the judgment creditor, the United States Fidelity and Guaranty Company, has proposed to accept in full satisfaction for said judgment the sum of $57,750 which said sum represents the principal sum of said judgment, to-wit: the sum of $50,000 and interest on said sum from November 12, 1931 at three per centum per annum, amounting to $7,750 and to accept in payment therefor the notes of said City of Asheville payable in five equal annual installments and bearing interest at the rate of three per centum per annum, payable semi-annually, and

WHEREAS, the City Council of the City of Asheville did on the 21st day of December, 1936, by resolution, accept the proposal of said Judgment creditor.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That for the purpose of paying the judgment referred to in the preamble of this resolution there shall be issued by the City of Asheville, pursuant to the Municipal Finance Act, as amended, and in anticipation of the revenues of said City for the next five succeeding fiscal years, negotiable interest bearing notes in the aggregate principal amount of $57,750. The said notes shall consist of five notes in the sum of $11,550 each and shall be dated January 12, 1937, and shall be serially numbered from 1 to 5, inclusive. The said notes shall mature as follows: $11,550 on January 11 in each of the years 1938 to 1942, inclusive, and shall bear interest at the rate of three per centum per annum, payable semi-annually on the 11th days of January and July in each year, and the said notes shall have attached thereto the requisite number of interest coupons representing the interest thereon. The said notes shall be signed by the Mayor, City Manager and City Clerk, and the corporate seal of said City shall be affixed thereto, and it shall be sufficient for the coupons attached to said notes to bear the printed, lithographed or engraved facsimile signature of said City Clerk. The said notes and the coupons attached thereto shall be payable at the office of the Irving Trust Company in the Borough of Manhatten, City and State of New York.

Section 2. BE IT FURTHER RESOLVED ... issued shall be substantially the following form, to-wit:

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE
CITY OF ASHEVILLE

NO. ____ $11,550.

JUDGMENT FUNDING NOTE

...ity of Asheville, a municipal corporation in the County of Buncombe, ...ate of North Carolina, for value received hereby acknowledges itself indebted ...and promises to pay to bearer the sum of

ELEVEN THOUSAND FIVE HUNDRED FIFTY DOLLARS ($11,550.00)

...on the 11th day of January, 19--, and to pay interest thereon at the rate of three ...per centum per annum, which is semi-annually on the 11th day of January and July ...in each year upon the presentation and surrender of the annexed coupons as they ...severally become due. But the principal and interest of this note will be paid in ...lawful money of the United States of America at the principal office of the Irving ...Trust Company in the Borough of Manhattan, City and State of New York.

This note is issued under and pursuant to the Municipal Finance Act ...of 1921, as amended, the Local Government Act, as amended, and other statutes of ...the State of North Carolina, and by a resolution duly passed by the Council of the City ...of Asheville, and is issued for the purpose of paying a valid judgment recovered ...against that City.

It is hereby certified and recited that all conditions, acts and things ...required by the Constitution or statutes of the State of North Carolina, to exist, ...be performed or happen precedent to or in the issuance of this note, exists, have ...been performed and have happened, and that the amount of this note together with ...all other indebtedness of the City of Asheville is within every debt and other ...limit prescribed by the Constitution or statutes of said State. The full faith ...and credit of said City are hereby pledged for the punctual payment of the principal ...and interest of this note in accordance with its terms.

IN WITNESS WHEREOF the City of Asheville has caused this note to be ...signed by its Mayor, City Manager and City Clerk, and its corporate seal to be ...hereto affixed, and the interest coupons, bearing the facsimile signature of the ...City Clerk, to be hereto attached, and this note to be dated the 12th day of ...January, 1937.

_____
Mayor

_____
City Manager

...City Clerk

This note is hereby approved.

...Attorney General

(FORM OF COUPON)

No. ... $173.25

On the 11th day of January (July), 19--, the City of Asheville, ...North Carolina, will pay to the bearer the sum of ONE HUNDRED SEVENTY-THREE and ...25/100 DOLLARS (173.25) lawful money of the United States of America, at the ...principal office of the Irving Trust Company, in the Borough of Manhattan, City ...and State of New York, for the semi-annual interest then due on the Judgment ...Funding Note, dated January 12, 1937, and numbered ____.

_____
City Clerk

(CERTIFICATE OF LOCAL GOVERNMENT COMMISSION)

The issuance of the within note has been approved under the provisions ...of the Local Government Act.

W. E. EASTERLING,
Secretary, Local Government
Commission
By _____
Designated Assistant.

Section 2. BE IT FURTHER RESOLVED that the Local Government Commission ...of North Carolina be and it is hereby requested to approved of the issuance of ...said notes and that when the said notes shall have been executed, the City Manager ...shall turn them over to the State Treasurer of North Carolina to be delivered by ...him to the said Judgment Creditors against a proper receipt and exchange of the ...said Judgment in accordance with the provisions of the Local Government Act, as ...amended.

SECTION 4. ...after the judgment referred to in ...then one cent per ...the City of Asheville for ...of the said Judgment.

SECTION 5. ...on the 10th day of April, ...of the passage of this ...

I move the adoption ...

...

SECONDED BY:

...

Read, approved ...

...
Mayor

...
City Clerk

...POWER IS TO FORM:
...Cooke, Jr.
...CORPORATION COUNSEL.

We, the undersigned, ..., Mayor, and ..., City Clerk, of the City of Asheville, do hereby certify that the foregoing ... was duly passed, seconded, read, approved and adopted by the unanimous vote of ... at the regular meeting of ... Council held in the Council Chamber, City Hall, Asheville, North Carolina, on Tuesday, March 12, 1937.

...
Mayor

...
City Clerk

...

T. S. Galloway, Attorney, ... filed the following claim for ... injuries for Marie Allen, ... was referred to the City Manager and ... Counsel.

STATE OF NORTH ... NORTH CAROLINA
COUNTY OF BUNCOMBE ... COUNTY

MARIE ALLEN,
Claimant

vs.

THE CITY OF ASHEVILLE,
Defendant

TO THE HONORABLE ..., City Manager and Counsel of the City of Asheville:

The undersigned, MARIE ALLEN, a citizen and resident of the City of Asheville, ... and ... her attorney, T. S. Galloway, ... and ... for cause of her complaint, hereby files claim against the City of Asheville for ... personal injuries ... and ... Allen at the ... and ... manner hereinafter set out, to-wit:

1.

Date. Claimant was injured on the 11th day of March, 1937, about 6:30 o'clock P. M.

2.

Place. Claimant was injured on Clement Street, ... Clement Street.

3.

Manner of injuries inflicted and cause thereof: that the claimant, while walking across Clement Street, fell on an obstruction which ... said Street by the City of Asheville, and was left in ... so that the same became ... street at said time; and that said City of Asheville had due notice of said obstruction or by the exercise of due care and diligence could have known that said obstruction existed in the middle of said street where pedestrians were forced to walk, since the city had placed no side walk on thereupon at other than said street for said pedestrians.

That said claimant states that said obstruction existed in said street for over a period of one year; and that the city was grossly negligent in failing to repair or abate said existing nuisance, and that as a result of the negligence of the city in failing to repair said street, and placing same in a safe condition, this claimant fell on the above mentioned date and sustained a broken leg, said leg being broken in such a manner that this claimant is informed and believes that she will be permanently injured as a result of said fall.

WHEREFORE, this claimant gives notice, making demand against the City of Asheville for the amount ofFive Thousand ($5,000.00 Dollars, for injuries sustained.

Respectfully submitted,

T. B. Galloway
T. B. Galloway, Attorney for Claimant.

Don C. Young, Attorney for Ollie Murray, amended a claim filed on December 31, 1936 as follows:

The Honorable Mayor, City Manager and Council of the City of Asheville:

The undersigned, Ollie Murray, a citizen and resident of Asheville residing at 318 Biltmore Ave., in said City, by and through Don C. Young, her attorney of record, who is acting for her and at her special request, hereby amends her claim filed against the City of Asheville, on the 31st day of December, 1936, for damages for personal injuries sustained by said Ollie Murray at the time, place and manner therein set out, and amends same in the following particulars:

In paragraph five of said claim filed on said date amends said paragraph in line five thereof by striking out the number five and substituting in lieu thereof number ten, making the claim for personal damages $10,000.00 instead of $5,000.00.

Respectfully submitted, this the day and year first above written.

Ollie Murray, Claimant

By Don C. Young
Attorney for Claimant.

"CLAIM" - WANDA FERGUSON

Don C. Young, Attorney, filed the following claim for Wanda Ferguson for alleged personal injuries, which was referred to the City Manager and Corporation Counsel.

The Honorable Mayor, City Manager and Council of the City of Asheville:

The undersigned, Wanda Ferguson, residing at 21 Vermont Ave., Asheville, North Carolina, by and through her next friend, Eric J. Ferguson, Sr., and her attorney Don C. Young, hereby files claim against the City of Asheville for personal injuries sustained by the said Wanda Ferguson, at the time, place and manner hereinafter set out, to-wit:

1. Date. Claimant was injured on the 17th day of January, 1937, at about 7:30 o'clock P. M.

2. Place. Claimant was injured on Vermont Ave., one of the principal residential streets of the City of Asheville.

3. Manner of injury infliction. On said date at about 7:30 o'clock P. M., the claimant got in her brother's automobile in the back seat in front of her home at 21 Vermont Ave., and was riding in said car driven by her brother down Vermont Ave., at a reasonable and moderate rate of speed when the said car ran into and against an obstruction placed in the said street causing the driver of said car to lose control thereof and it ran into a shade tree standing at or near the curb close to the Southern end of said obstruction and injured and damaged the claimant; that said obstruction was ten or twelve feet long and five or six feet wide and was placed on said Vermont Ave., parallel with and close to the curb on the West side of said Avenue and extending out into the street for several feet; that said obstruction was about eight inches high next to the curb and presented to the approaching automobile an obstruction in the traveled portion of said street eight inches high next to the curb and extending several feet out into the street; that at 7:30 o'clock P. M., on said date it was dark and the City of Asheville had carlessly and negligently placed its street lights in such position that they did not reflect any appreciable light on the street at said obstruction because of the length of the distance away

of said lights and because [illegible] placed numerous shade trees [illegible] said lights and said obstruction; that said obstruction had been in said street for several months and the said City through its officers and agents, knew or should have known of its existance and the hazards created to the traveling public thereby; that said obstruction had been in said street so long that the free use and benefit of said street for the traveling public was greatly hindered and the [illegible] and constituted a public nuisance.

4. Character of injury. That when said automobile struck said obstruction and was thrown into and against said tree, claimant was thrown against some portion of said automobile and received a severe cut on the head from which she suffered a concussion of the brain and was in an unconscious condition for two days; that she went to the hospital for treatment and remained in bed at home for several days thereafter; that her hip bone was injured from which she has continuously been sore and lame and vontinues in said condition to the present time; that claimant's injuries have produced great physical suffering and mental anguish and are both serious and permanent.

5. Amount of damages claimed. That as a result of the negligence on the part of said City as aforesaid claimant has received personal damages because of her physicial injuries in the sum of $10,000.00 for which this claimant [illegible] for restitution against the City of Asheville.

Respectfully submitted, this the day and year first above writt[illegible].

Eric J. Ferguson, Sr., next fri[illegible]
of Wanda Ferguson.

By Don C. Young,
Attorney for Claimant.

[illegible]

Don C. Young, Attorney, presented the following claim for alleged personal injury to Eric J. Ferguson, Jr., [illegible] to the City Manager and Corporation Counsel.

THE HONORABLE MAYOR, CITY MANAGER AND COUNCIL OF THE CITY OF ASHEVILLE:

The undersigned, E. J. Ferguson, Jr., residing at 21 Vermont Ave., Asheville, North Carolina, by and through his next friend, Eric J. Ferguson, Sr., and his attorney Don C. Young, hereby files claim against the City of Asheville for personal injuries sustained by the said E. J. Ferguson, Jr., at the time, place and manner hereinafter set out, to-wit:

1. Date. Claimant was injured on the 17th day of January, [illegible] at about 7:30 o'clock P. M.

2. Place. Claimant was injured on Vermont Ave., one of the principal residential streets of the City of Asheville.

3. Manner of injury infliction. On said date at about 7:30 o'[illegible] P. M., the claimant and some guests got in his automobile parked in front of his home at 21 Vermont Ave., and he proceeded to drive down said [illegible] on the right hand side thereof at a reasonable and moderate rate [illegible] he suddenly and unexpectedly ran into and against an obstruction [illegible] said street and the striking of said obstruction by the Claimant's automobile broke and bent some of the steering rods of said car and thus caused the claimant to lose control of said car and did cause said car to run into and against a large shade tree standing at the Southern end of said obstruction at or near the curb; that claimant has later ascertained that said obstruction consists of two wide thick planks about ten or twelve feet long fastened together on an iron frame and lying in the street parallel and close to the curb on the West side of said Vermont Avenue, and extending out into the street a distance of several feet; that said obstruction was about eight inches high next to the curb and the Northern end thereof toward which the claimant was approaching in his automobile presented an obstruction in said street eight inches high at the curb and extending out into the street four or five feet; that there were not any lights, barriers or any kind of signals located at or near said obstruction to warn claimant of the location thereof and the danger of using said street; that said obstruction was located between the street lights at Vance Crescent and Onley Road, and that in and near said obstruction it was dark and said street lights did not give any light for the reason that a row of shade trees near the Eastern curve of said street [illegible] prevented the light from said street lights at said intersections penetrating to the said obstruction; that the street light at Onley Road is located at or near the middle of the intersection of the streets, but said street light is located so distantly from said obstruction that it did not provide any appreciable light at or near said obstruction; that the street light at Vance Crescent is located over near the curb of the Western margin of Vermont Ave., [illegible] of the small power of said light and the obstructions of said shade trees it did not provide any light at or near said obstruction; that claimant is advised and believes that said obstruction has been located in said street for several months and the City, through its officers and agents, had knowledge thereof or should have known that the same was obstructing said street and should have had the same removed; that the said defendant has been careless and negligent in permitting said obstruction to continue in said street and violated one of its duties which it owed to the [illegible] said street including the claimant in that it failed to keep said street in a reasonable state of repair and free from obstructions.

[illegible] automobile struck said chestnut [illegible] ran into and against a tree standing [illegible] automobile a 1933 Plymouth Sedan the [illegible] and greatly and permanently injured and damaged the [illegible] to the extent that several stitches were taken [illegible] and because of the injuries sustained on said occasion [illegible] and mentally, and has said and will continue [illegible] bills and doctor's bills.

[illegible] must as a result of the negligence of [illegible] Plaintiff has sustained property damage in the [illegible] in the sum of $200.00, and personal injuries in the sum of $10,000.00, for which this claimant now sues [illegible] the City of Asheville.

Respectfully submitted, this the day and year first above written.

Eric J. Ferguson, Sr., next friend
of E. J. Ferguson, Jr.

By: Fox C. Young
Attorney for Claimant.

[illegible] presented his duly commissioned for the ensuing year, and he was duly sworn in his present harmonment.

There being no further business, the meeting was on motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Tuesday, March 25, 1937--7:30 P. M.

The City Council met in regular session Tuesday afternoon, March [illegible] Council Chamber, City Hall, Asheville, N. C., Mayor Robert M. Wells presiding. Present: Councilmen Holmes Bryson, Robert E. Shuford, Howard G. [illegible], Eugene Carland, Robert M. Wells, D. M. Rundette, City Manager, and Phillip T. Taylor, Jr., Assistant Corporation Counsel. Minutes of the previous meeting were read and approved.

City Manager Rundette, presented resolution designating depositories for funds under control of the Sinking Fund Commission for Buncombe County, as follows, which upon motion of Councilman Carland, seconded by Councilman [illegible] was unanimously adopted.

RESOLUTION DESIGNATING DEPOSITORIES FOR FUNDS UNDER CONTROL OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That, pursuant to the request and recommendation of the Sinking Fund Commission for Buncombe County, the City Council of the City of Asheville hereby joins with said Commission in designating the Wachovia Bank and Trust Company, the First National Bank and Trust Company in Asheville, and the Home Own Bank of Asheville as depositories for the funds upon the control and jurisdiction of said Commission.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and enacted this 25th day of March, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Phillip T. Taylor, Jr.
ASSISTANT CORPORATION COUNSEL

[illegible] City Manager [illegible] said letter [illegible] dam [illegible] to the operating [illegible] receipt a map of [illegible] by the Council [illegible] the next two years in [illegible] of operations;

[illegible]

[illegible] matter of [illegible] Inc. [illegible] for the equipment [illegible] Wm. Cooke [illegible] Wm. Johnston [illegible]

[illegible] presented this [illegible] client, C. F. Fleming, [illegible] Corporation Counsel.

State of North Carolina
County of Buncombe :

C. F. Fleming :
vs.
City of Asheville :

TO THE HONORABLE MAYOR, City Manager, and Council of the City of Asheville, North Carolina:

C. F. Fleming, a citizen and resident of the City of Asheville, North Carolina, respectfully represents that he is the owner of a certain automobile, to-wit: a Ford Coupe, which he operates in the course of his business as a salesman, and which he uses principally for the purpose of calling on customers in the City of Asheville, North Carolina, for the purpose of selling to them automobiles; that on the 23rd day of March, 1937, he was driving his said automobile in a careful and prudent manner along Haywood Street in the City of Asheville, North Carolina, and was stopped for the traffic light at the intersection of Haywood Street and Battery Park Avenue; that while he was so stopped, a truck owned by the City of Asheville, and operated by an employee of the City of Asheville, in the course of his employment by the City of Asheville, negligently and carelessly ran into the rear of petitioner's automobile, damaging the same to the extent of $[illegible]; that petitioner has duly presented his claim for damages to the City Manager of the City of Asheville, and has requested that the same be paid, but that the City Manager has refused to pay the same; that petitioner has duly presented his claim for damages to the City Council of the City of Asheville, and has requested that the same be paid, but that the City Council has refused to pay the same.

Respectfully submitted, this March [illegible], 1937.

C. F. Fleming
Petitioner.

On motion, the [illegible] was referred to the City Attorney.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Thursday, April 1, 1937----4:30 P. M.

The City Council met in regular session Thursday afternoon, April 1, at the Council Chamber, City Hall, Asheville, N. C., Mayor Robert M. Wells presiding. Present: Councilmen: Holmes Bryson, Robert E. Shuford, Howard G. Etheridge, J. E. Divelbiss, Jr., Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cooke, Jr., Acting Corporation Counsel. Minutes of the previous meeting were read and approved.

[illegible], Pearson, colored, appeared, as he stated, for the twenty-third time before city officials with the request for aid to the colored fair which he has sponsored for years. He asked for $300.00 as the city's donation to the fair this year. This request was referred to the City Manager.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, April 8, 1937----4:30 P. M.

The City Council met in regular session Thursday afternoon, April 8, at the Council Chamber, City Hall, Asheville, N. C., Mayor Robert M. Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, Howard G. Etheridge, Jacob F. Weaver, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Assistant Corporation Counsel Philip C. Cooke, Jr. Minutes of the previous meeting were read and approved.

Resolution authorizing the Treasurer of North Carolina to cancel certain refunding bonds, dated July 1, 1936, issued by the City of Asheville was upon motion of Councilman Etheridge, seconded by Councilman Divelbiss, was unanimously adopted.

RESOLUTION AUTHORIZING THE TREASURER OF NORTH CAROLINA TO CANCEL CERTAIN REFUNDING BONDS, DATED JULY 1, 1936, ISSUED BY THE CITY OF ASHEVILLE.

[illegible] to the City Council of the City of Asheville that the Treasurer of the State of North Carolina is in possession of executed General Refunding bonds and Water Refunding Bonds of the City of Asheville, dated July 1, 1936, in excess of the number required to complete the refunding operations of the City of Asheville; and

WHEREAS, it is the opinion of the City Council that the bonds should be immediately cancelled:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Treasurer of the State of North Carolina be, and he is hereby authorized to cancel the following General Refunding and Water Refunding bonds of the City of Asheville, dated July 1, 1936:

General Refunding bonds A 14258/14482 - $25,000
Water Refunding bonds A 5142/5192 - 51,000

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Local Government Commission at Raleigh, North Carolina.

I move the adoption of the foregoing resolution.

H. G. Etheridge
Councilman

SECONDED BY: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 8th day of April, 1937.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr. Acting Corporation Counsel

Resolution authorizing the Mayor to execute lease wit[illegible] Advertising Company was upon motion of Councilman Robert E. Shuford, unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR TO [illegible] GENERAL [illegible] ADVERTISING COMPANY.

WHEREAS, the City Manager has entered into a [illegible] with the General [illegible] Company [illegible] on certain lot [illegible] erected in said lease: and

WHEREAS, the City Council of the City of Asheville [illegible] lease with the General [illegible] n Advertising Company:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Robert E. Shuford
Councilman

Read, approved and adopted this 8th day of April, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
Acting Corporation Counsel

CAUSE - JOHN A. NORDMAN

Joseph W. Little, representing his client John A. Nordman of the City of St. Louis, Mo., filed the following [illegible] petition, [illegible] Western and Corporation [illegible]

TO THE CITY OF [illegible], NOW, R. M. WELLS, MAYOR, NOW [illegible], VICE-MAYOR, NOW [illegible], NOW [illegible], HON. ROBERT E. SHUFORD, NOW [illegible], HON. [illegible] E. DIVELBISS, NOW [illegible], HON. J. F. WEAVER, NOW [illegible], COMPRISING THE BOARD OF SAID CITY COUNCIL.

Come now [illegible] John A. Nordman, of the State of [illegible], State of Missouri, [illegible] that on or [illegible] 1935, before the [illegible] V. W. Ha[illegible], Judge of the District [illegible] United States for [illegible] District of North Carolina, [illegible] the cause entitled [illegible] A. Nordman vs. City of Asheville, Number [illegible], [illegible] thereof was [illegible] at law, [illegible], on the docket of the said [illegible] Court in the [illegible] and [illegible] the respective [illegible], July of [illegible] made being in [illegible] and [illegible] follows, to wit:

[illegible] Judge of the District Court of the United States, [illegible] by the parties, at Shelby, North Carolina, in [illegible] District [illegible] 12th day of September, 1935, and the [illegible] Judge who [illegible] to favor of the plaintiff, [illegible] record:

It is now considered, ordered, adjudged and decreed that the plaintiff have and recover from the defendant, the City of Asheville, a municipal corporation of the State of North Carolina, the following amounts, to-wit:

That the plaintiff recover the sum of Twenty Thousand ($20,000) Dollars on account of twenty (20) General Bonds, [illegible] inclusive, with interest thereon at the rate of six (6%) per cent from the 15th day of April, 1933.

[illegible] County ($2,070.00) Dollars, with interest [illegible] April, 1932; with interest on $600.00 [illegible] sum from [illegible] 1932, and with interest on $600.00 [illegible] 14th day of April, 1935, at the rate of six per cent per annum.

And [illegible] several General Corporate Notes and coupons upon which [illegible] in this action was identified by the endorsement of the Clerk of [illegible] Court, at Asheville, and was this day ordered placed in his custody.

[illegible] of this action is taxed against the defendant.

This [illegible] September 12, 1935.

/s/ W. F. Webb

United States District Judge"

The [illegible] and summons is returnable to hold and upon which recovery is [illegible] was [illegible] in the custody of the Clerk of the Court.

Petitioner herewith [illegible] amount of judgment aforesaid with interest [illegible] on the [illegible] sum [illegible] from the said 12th day of September, 1935.

John A. Nordman

Petitioner

STATE OF NORTH CAROLINA

[illegible] COUNTY.

Comes now John A. Nordman who being duly sworn deposes and says that he [illegible] read the foregoing [illegible] knows the contents thereof; that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those matters he believes it to be true.

John A. Nordman

Subscribed and sworn to before me this the 14th day of March, 1937.

Notary Public

Notary Public
Buncombe County, N. C.

My Commission expires
Sept. 24, 1938.

The receipt of original hereof is acknowledged this 8th day of April, 1937.

P. M. Burdette
City Manager

Joseph W. Little, Attorney, filed the following claim, which was referred to the City Manager and Commission.

TO THE CITY OF ASHEVILLE, HON. R. M. WELLS, MAYOR, HON. HOMER BRYSON, VICE MAYOR, HON. P. M. BURDETTE, CITY MANAGER, HON. JACOB F. WEAVER, HON. ROBERT R. JOHNSON, HON. HOWARD G. ETHERIDGE, HON. EUGENE CARLAND, HON. [illegible] STEPHENS, MEMBERS OF THE CITY COUNCIL:

Come now, Petitioner John A. Nordman, of the City of St. Louis, State of Missouri, and states that on or about the 6th day of March, 1936, before the Honorable E. Y. Webb, Judge of the District Court of the United States for the Western District of North Carolina, at Shelby, in the cause entitled John A. Nordman vs. City of Asheville, North Carolina, same being numbered [illegible] at law, petitioner, or plaintiff, on the hearing thereof was awarded judgment founded upon the various obligations of the said municipal as the main tabulated, with interest thereon from the respective maturities body of judgment to which reference is hereby made being in words and figures as follows, to-wit:

"This cause coming on to be heard before His Honor, E. Y. Webb, Judge of the District Court of the United States for the Western District of North Carolina, at Shelby, North Carolina, on the 6 day of March, 1936, and the parties having waived a trial by jury, and the issues having been submitted to said Judge and answered by him in favor of the plaintiff, as appears by the record:

It is now ordered, adjudged and decreed that the plaintiff have and recover of the defendant, the City of Asheville, a municipal corporation of the State of North Carolina, the sum of Twenty-eight thousand [illegible] ($28,[illegible]), with interest as shown in the following tabulation, to-wit:

First Cause of Action

The sum of	$202.75,	with interest	from July 1,	1932;
" "	202.75,	" "	" July 1,	1933;
" "	202.75,	" "	" July 1,	1934;
" "	202.75,	" "	" July 1,	1935;
" "	202.75,	" "	" July 1,	1936;
" "	202.75	" "	" July 1,	1937;
	$1216.50			$ [illegible]

Second Cause of Action

The sum of	$150.00,	with interest	from July 1,	1932;
" "	150.00	" "	" July 1,	1933;
" "	150.00	" "	" July 1,	1934;
" "	150.00	" "	" July 1,	1935;
" "	150.00	" "	" July 1,	1936;
" "	150.00	" "	" July 1,	1937;
" "	150.00	" "	" July 1,	1938;
	$1050.00			$ [illegible]

Third Cause of Action

The sum of	$30.00,	with interest	from July 1,	1932;
" "	30.00	" "	" July 1,	1933;
" "	30.00	" "	" July 1,	1934;
" "	30.00	" "	" July 1,	1935;
" "	30.00	" "	" July 1,	1936;
Total	$150.00			$ [illegible]

Fourth Cause of Action

The sum of	$5000.00	with interest	from June 1,	1937;
" "	26.25	with interest	from June 1,	1931;
" "	52.50	" "	" June 1,	1932;
" "	2178.75	" "	" Dec. 1,	1932;
" "	1543.75	" "	" June 1,	1933;
" "	2178.75	" "	" Dec. 1,	1933;
" "	2178.75	" "	" June 1,	1934;
"Total"	2178.75	" "	" June 1,	1937;
	$17751.25			$17[illegible]

Fifth Cause of Action

The sum of	$52.50,	with interest	from Dec. 1,	1932;
" "	52.50	" "	" June 1,	1933;
" "	52.50	" "	" June 1,	1934;
" "	52.50	" "	" Dec. 1,	1934;
"Total	52.50	" "	" June 1,	1935;
	$ 262.50			$ [illegible]

Sixth Cause of Action

The sum of	$118.75,	with interest	from Oct. 1,	1932;
" "	237.50	" "	" Jan. 1,	1933;
" "	118.75	" "	" Oct. 1,	1933;
" "	237.50	" "	" Jan. 1,	1934;
" "	237.50	" "	" Oct. 1,	1934;
"Total	237.50	" "	" Jan. 1,	1935
	$ 1187.50			$1187.50

Seventh Cause of Action

The sum of	$118.75,	with interest	from Oct. 1,	1932;
" " "	118.75	" "	" Jan. 1,	1933;
" " "	118.75	" "	" Jan. 1,	1934;
" " "	118.75	" "	" Oct. 1,	1934;
"Total	118.75	" "	" Jan. 1,	1935:
	$593.75			$593.75

Eighth Cause of Action

The sum of	$118.75,	with interest	from Oct. 1,	1932;
" "	118.75	" "	" Jan. 1,	1933;
" "	118.75	" "	" Oct. 1,	1933;
" "	118.75	" "	" Jan. 1,	1934;
"Total	118.75	" "	" Oct. 1,	1934;
	$712.50			$ [illegible]

"Eighth Cause of Action.

[illegible] with interest from July 1, 1932;
" " " " " Jan. 1, 1933;
" " " " " " Jan. 1, 1934;
" " " " " " July 1, 1934;
" " " " " " Jan. 1, 1935;
" " " " " " Jan. 1, 1935;
" " " " " " July 1, 1935

$150.00

Ninth Cause of Action

[illegible] with interest from July 1, 1932;
" " " " " " Jan. 1, 1933;
" " " " " " Jan. 1, 1934;
" " " " " " July 1, 1934;
" " " " " " Jan. 1, 1935;
" " " " " " July 1, 1935;

$150.00

Tenth Cause of Action

[illegible] with interest from May 1, 1931;
" " " " " " May 1, 1932;
" " " " " " May 1, 1932;
" " " " " " May 1, 1933;
" " " " " " May 1, 1933;
" " " " " " May 1, 1934;
" " " " " " May 1, 1934;

$ [illegible]

[illegible]

[illegible] and interest [illegible]
[illegible] in this action [illegible]
[illegible] County of Knoxville, and
[illegible] aforesaid.

[illegible] of this action by [illegible] from [illegible]

[illegible] March, A. D., 1936.

/s/ E. M. Wells,
Mayor of the City of Knoxville".

[illegible] the foregoing [illegible] of the
[illegible] Court.

[illegible] amount of [illegible] aforesaid
[illegible] the lawful money [illegible] said
[illegible] March, A.D., 1936.

John A. Nordyke
Petitioner

[illegible] was on motion adjourned.

Mayor

Clerk

[illegible] Council [illegible] Knoxville, Tenn. [illegible]
[illegible] Council Chamber, City Hall, Knoxville, Tenn. [illegible]
Councilmen Holmes Ryerson, Robert L. Church, [illegible]
Smith, Ashland, Robert V. Wells, [illegible]
E. [illegible] Corporation Counsel.

[illegible]

[illegible] from [illegible] [illegible]
of record on the death of [illegible]
on January 13, of this [illegible]

[illegible] Mayor, [illegible] petition of Jimmie W. Bartlett, [illegible]
[illegible] as follows, which [illegible]
Counsel.

To the Honorable E. M. Wells, Mayor of the City of Knoxville,
E. M. Rumbolts, Vice Mayor, and members of Council of said City:

J. W. Bartlett [illegible] petition [illegible]
its proper officials, [illegible]
for damages for [illegible]
does hereby [illegible]
Bartlett with [illegible]
Knoxville, and the [illegible]
Jimmie W. Bartlett [illegible]
advised that he is [illegible]
hereby demand and request that the City allow its claim [illegible]
and loss of services occasioned by the negligence [illegible]
claim, said damages [illegible]
sum of One Hundred Fifty ($150.00) Dollars, and this claimant demands payment of
said amount as compensation in the above matter.

Respectfully submitted, this the 17th day of March 1936.

J. W. Bartlett

By [illegible], Counsel

To the Honorable E. M. Wells, Mayor of the City of Knoxville,
E. M. Rumbolts, Vice Mayor, and Members of Council of said City:

The undersigned, Jimmie W. Bartlett, by his next friend [illegible]
Bartlett, and Attorney, [illegible]
on or about the 17th day of January, 1936, Jimmie W. Bartlett, [illegible]
117 South French Broad [illegible] in the City of Knoxville, [illegible]
permanently injured in an automobile accident occasioned [illegible]
of the City of Knoxville, in that [illegible] City employee, [illegible]
one carelessly [illegible]
street in a [illegible]
said communist [illegible]
extending from the [illegible]
into the traveled [illegible]
of the curb of said [illegible]
dangerous and [illegible]
said City of Knoxville [illegible]
and refused to [illegible]
hazardous obstruction [illegible]
and to people traveling [illegible]
wrongful, wanton and [illegible]
claimant, Jimmie W. Bartlett, [illegible]
was being driven by one [illegible]
day of January, 1936, was [illegible]
of said car coming [illegible]
causing said car to [illegible]
with such force and [illegible]
this claimant received [illegible]
and body, particularly over the right eye resulting [illegible]
sight, shock to nervous system and [illegible]

What as a result of such injuries the claimant was [illegible]
under doctors care for many weeks and is still suffering [illegible]
and disfigurement, and is afraid that said injuries [illegible]
are permanent in their nature.

WHEREOF, this claimant demands of the City of Knoxville [illegible]
for said injuries, by reason of the aforesaid negligence and other acts of
negligence, the sum of Ten Thousand ($10,000) Dollars, and immediate payment of the
same.

...ember, this the 14th day of March, 1927.

JIMMIE W. BARTLETT, Claimant

J. W. Bartlett, Next Friend

By Ford, Coxe & Carter
Attorneys

Upon motion the following claim of Carrie McMillan for alleged personal injuries was referred to the City Manager and Corporation Counsel.

THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE,
ASHEVILLE, NORTH CAROLINA.

TAKE NOTICE that Carrie McMillan, residing at No. 11 Haid Street, Asheville, N. C., by and through her attorneys, Zeb F. Curtis and W. G. Hamilton, who are acting for her and at her special request hereby files claim against the City of Asheville for damages for personal injuries sustained by her at the time, place and manner hereinafter set out, to-wit:

1. Date: Claimant was injured on the 24th day of March, 1937, between seven and eight o'clock P. M.

2. Place: Claimant was injured on Valley Street, one of the principal thoroughfares of the City of Asheville, a short distance South of the Red Front Grocery Store on said Street.

3. Manner of Injury: Claimant was walking south along the sidewalk on the west side of said street, carrying a number of bundles or packages, at the time above mentioned, and as she proceeded along said sidewalk in a careful manner at a point a little below the Red Front Grocery Store on said street, which sidewalk was, and is, a few feet above the ground immediately west thereof, with no guard rail or other protection along the west side thereof at the time she stepped into a hole in said sidewalk causing her to fall off said sidewalk on to the ground or vacant lot below and immediately west of said sidewalk, which sidewalk, because of its uneven and irregular surface, the absence of any light within the immediate neighborhood, and the failure to have any guard rail or other protection along the west edge of said sidewalk, and especially the hole therein, rendered said sidewalk unfit and unsafe for pedestrians at that point.

4. Character of the Injury: Claimant sustained serious, severe and painful injuries as a result of falling in the manner above set forth, to-wit: ... of several of the ribs on the right side of her body, a severe sprain in the region the iliac joint, and other pains and bruises from which she has suffered great pain, and will continue to suffer, as she verily believes.

5. Amount of damages claimed: That because of the injuries sustained as a result of the negligence of the city in the manner herein set forth, which condition was known to the City of Asheville, or by the exercise of reasonable diligence on its part, should have been known, claimant has been damaged in the sum of $3,000.

This the 15th day of April, 1927.

CARRIE McMILLAN, Claimant,

By Zeb F. Curtis

W. G. Hamilton
Attorneys for Claimant.

Dr. W. Burr Allen, ... for the Optimist Club asked ... to investigate the possibility ... the city and county establishing ... school for delinquent negro boys. Appearing with him were Halsey B. Leavitt and William B. Hughes. This was referred to the City Manager.

The meeting was ... motion, adjourned.

R. L. Wells
Mayor

Elenor Morris
City Clerk

Thursday, April 22, 1927--2:00 P. M.

The City Council met in regular session Thursday afternoon at 2: P. M. instead of 4:30 P. M. the hour having been changed by order of the ... Mayor Wells presiding. Present: Councilmen Holmes Bryson, ... Robert E. Shuford, Howard G. Etheridge, Eugene Carland, Robert M. Wells, ... Manager P. M. Burdette, and Philip C. Cooke, Jr., Acting Corporation ... Minutes of the previous meeting were read and approved.

RESOLU... MR. JACOB F. WEAV...

Resolution expressing sorrow over the death of Mr. Jacob F. ... was passed by the W. P. A. Training Institute, which is being held in the City Council Chamber as follows:

"Mr. Weaver was a member of the City Council, who ... generously given the use of the Council Chamber ... Institute, and it is with profoundest sorrow ... that we acknowledge the passing of Mr. Weaver and ... deepest sympathy to his family and his associates ... Council.

Mrs. Lillian Speck,
Supervisor
Women's Division ..."

On motion of Councilman Carland, seconded by Councilman ... name of Carl R. Bamford was placed before the Council to fill the ... by the death of Councilman Jacob F. Weaver. Vice-Mayor Bryson moved ... nominations be closed and the Clerk instructed to cast the vote for the entire Council. A roll call was taken, and Mr. Bamford was unanimously elected ... of the City Council of the City of Asheville.

On motion of Councilman Shuford, seconded by Councilman ... ordinance regulating the issuing of licenses for the sale ... other beverages in the City of Asheville was introduced by the City ... Burdette. A roll call was taken and Councilman Bryson voted "Aye", ... Divelbiss voted "Aye", Councilman Etheridge voted "Aye", Councilman Carland voted "Aye" and Councilman ... voted "Aye" ... the motion ... meeting.

Upon motion of ... seconded by Councilman Bryson, the meeting was adjourned ... Councilman Weaver ... Mayor Wells appointed ... committee to draft a memorial ...

Councilman ...
... Bryson
... M. Burdette,

R. L. Wells
Mayor.

Elenor Morris
City Clerk

"Thursday, April 29, 1937--4:30 P. M.

The City Council met in regular session, Thursday afternoon April 29, [illegible] Asheville, N. C., Mayor Wells presiding. Present [illegible] Councilmen J. E. Dixon, J. C. Duncan, Jr., Robert W. Chunn, W. C. Jenkins, [illegible] Mayor Wells, Councilmen Bowen, Carland, Dixon, Duncan, Jenkins, Rumbough, Rumbough, Smith, Weaver and Mayor Wells. Absent: Councilmen Bomford and Chunn.

[illegible] matter, [illegible]

Mayor

Glenn Mourse
City Clerk

[illegible] May 4, 1937--4:30 P. M.

The City Council met in regular session Thursday afternoon, May 4, in the Council Chamber, City Hall, Asheville, N. C., Mayor Wells presiding. Present: Councilmen J. E. Dixon, J. C. Duncan, Jr., Robert W. Chunn, W. C. Jenkins, [illegible] Rumbough, Smith, Weaver and Mayor Wells. Absent: Councilmen Bomford, Carland, Robert W. Chunn. Minutes of the previous [illegible] were read and approved.

[illegible]

Ordinance No. [illegible] relative to the issuance of licenses for the sale of Beer, Wine, and certain other [illegible] in the City of Asheville [illegible] third and final reading, [illegible] Councilmen Dixon, Duncan, Jenkins, Rumbough, Smith, Weaver and Mayor Wells voted "Aye", Councilmen Bomford and Chunn voted "Nay". The roll call resulted in [illegible] Councilmen Carland, Robert W. Chunn, Bomford and Mayor Wells voted "Aye", Councilmen Dixon, Duncan, Jenkins, Rumbough, Smith and Weaver voted "Nay". Councilmen Bomford and Chunn being recorded as voting "Aye", [illegible] Ordinance was ordered published in the daily [illegible] reason for one time, and this publication was [illegible] May 7, 1937.

ORDINANCE NO. [illegible]

AN ORDINANCE [illegible] LICENSES FOR THE SALE OF BEER, WINE, AND CERTAIN OTHER BEVERAGES IN THE CITY OF ASHEVILLE.

WHEREAS, the General Assembly of North Carolina has passed an act known and designated as Chapter 1 of Public Laws of Extra Session of 1937 providing for the sale of beer, wine and other beverages and the term beverages as used in this article shall include:

(a) Beer, lager beer, ale, porter, and other brewed or fermented beverages containing one-half of one per cent or more of alcohol by volume, but not more than five per cent of alcohol by weight, and authorized by the laws of the United States of America.

(b) Unfortified wine, as used in this article, shall mean wine made from grapes, berries, or other agricultural products containing sugar added thereto because of deficiency therein prior to fermentation, and not more than sixteen per centum of alcohol by volume, and shall include, but not be limited to, such wines commonly known as Tokay, Port, Burgundy, Sherry, Champagne, Claret, Angelica, Madeira, Muscatel, Rhine Wine, Riesling, Sauterne, Zinfandel, Hock, Sweet Catawba, and Scuppernong wines.

(c) Fortified wine, as used in this article, shall mean wine made from grapes, berries, or other agricultural products containing sugar added thereto because of deficiency therein prior to fermentation, and which has been fortified by the addition of pure cane, beet or dextrose sugar, or pure grape brandy or pure fruit brandy or both, and shall include, but not be limited to, such wines commonly known as Port, Sherry, Madeira, Muscatel, Tokay, Angelica, Burgundy, Claret, Sauterne, Zinfandel, Hock, Sweet Catawba, and Scuppernong wines, and shall contain not less than fourteen per centum and not more than twenty-four per centum of absolute alcohol by volume.

WHEREAS, said act requires that the governing bodies of the respective municipalities of the state shall issue a license to persons, firms, partnerships, associations, corporation, or other groups or combinations to sell at retail said beverages, or any license of the applicant or applicant with the provisions of the said act:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

Section 1. That all licenses for the sale of beverages as aforesaid shall be issued under and in accordance with the terms, conditions and regulations required and prescribed by the said act aforesaid, known and designated as the Beverage Control Act of 1937.

Section 2. That all applicants for license shall file with the City Manager an application in writing, signed and verified by the applicant or applicants, or the duly authorized agents and officers of same, said application to be on a form approved and approved by the Corporation Counsel and which shall contain all the information required by the act of the General Assembly.

Section 3. Should the City Manager be satisfied from the inform
furnished that the applicant is entitled to a license under the provis
of said Act of the General Assembly, the City Manager is directed to
the said application by his signature thereon, and the same shall also
approved as to form by the Corporation Counsel, and when so properly a
the same be delivered by the applicant to the Tax Collector of the Cit
Asheville, who, upon payment to him by the applicant of the sum of Fif
($15.00) Dollars for an "On Premises" license and/or Ten ($10.00) Dolla
for an "Off Premises" license, which will entitle the holder to sell
wine and other beverages listed under (a) of this article, and Fifteen
($15.00) Dollars for an "On Premises" license and/or Ten ($10.00) Dolla
for an "Off Premises" license, which will entitle the holder to sell
at retail wines under (b) of this article, and for each additional lic
issued to one person, firm, partnership, association, corporation or
combination an additional tax of ten per cent of the base tax
increase to apply progressively for each additional tax so issued, as
by the act of the General Assembly aforesaid, shall issue to the appli
a license to sell said beverages at retail in the City of Asheville at
place or places designated in the application for the period ending on
30th day of April next following the date of the issuance of said licen
A separate license and fee for same shall be required of the applicant
applicants for each place of business where said beverage are sold.

Section 4. Any violation of the provisions of the act of the Gen
Assembly relating to the sale of said beverages within the corporate l
of the City of Asheville shall be grounds for the revocation by the Ci
Manager of the license granted, provided, however, that said licensee
be notified of such violation and given a hearing as to any defense wh
can be made with respect to said violation after two days notice of the
time and place for such hearing.

Section 5. Violation of any of the provisions of this ordinance b
any licensee shall subject such violator to a penalty of Twenty-Five
($25.00) Dollars for each and every such offense.

Section 6. Should any section or any provision of this ordinance
be declared invalid, the other provisions thereof shall not be affect
thereby.

Section 7. All ordinances or sections of ordinances in conflict
with this ordinance are hereby repealed.

Section 8. This ordinance shall be in full force and effect from
and after its first publication.

I move the adoption of the foregoing ordinance this 22 day of April, 1937.

Robert E. Shuford
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted, this 6 day of May, 1937.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Acting Corporation Counsel.

The meeting was on motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday May 13, 1937--4:30 P. M.

The City Council met in regular session Thursday afternoon, M[illegible] in the Council Chamber, City Hall, Asheville, N. C., Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette and Philip C. Cocke, Jr., Acting Corporation Counsel. Minutes of the previous meeting were read and approved.

[illegible]

A message was read from Miss Elizabeth McCutcheon, President of the Asheville Business and Professional Club inviting the City Council, City Manager, Corporation Counsel to be present Monday night at 8 o'clock at the Battery Park Hotel to hear Dr. Frank P. Graham, President of the University of North Carolina, will speak on "Truck Library Service for the rural sections" a project sponsored by the Business and Professional Club of this City.

ADJOURNED [illegible]

Upon motion, the meeting adjourned sine die.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Monday, May 17, 1937--10 o'clock A. M.

The re-elected City Council held its first meeting in the Council Chamber, City Hall, Monday, May 17, 1937 at 10 o'clock A. M. The certificates of election of each member of the City Council were filed, as follows:

Robert M. Wells	3725	Holmes Bryson	[illegible]
J. E. Divelbiss, Jr.	3706	Robert E. Shuford	3711
H. G. Etheridge	3711	Eugene Carland	3711
		Carl R. Bamford	3713

The oaths of office were administered by Judge A. Hall Johnston, Corporation Counsel.

[illegible]

Councilman Holmes Bryson, addressing Councilman Eugene Carland as temporary Chairman nominated Councilman Robert M. Wells for re-election as Mayor, seconded by Councilman Robert E. Shuford, and the motion was unanimously passed re-electing Mr. Wells as Mayor of the City of Asheville.

VICE-MAYOR

Councilman Robert E. Shuford nominated Councilman Bryson for re-election as Vice-Mayor, seconded by Councilman Divelbiss, and the motion was unanimously passed re-electing Mr. Bryson Vice-Mayor of the City of Asheville.

CITY MANAGER

Councilman Etheridge nominated City Manager P. M. Burdette for re-appointment seconded by Councilman Bamford, which was unanimously passed re-appointing Mr. Burdette City Manager of the City of Asheville.

[illegible]

Councilman Shuford nominated Philip C. Cocke, Jr. for Corporation Counsel, seconded by Councilman H. G. Etheridge, which motion was unanimously passed re-appointing Mr. Cocke as Corporation Counsel of the City of Asheville.

[illegible]

Councilman Divelbiss nominated Mrs. Glenn Morris for City Clerk, seconded by Councilman Eugene Carland, and the motion was unanimously passed appointing Mrs. Morris as City Clerk for the City of Asheville.

DEPOSITORIES FOR CITY [illegible]

Upon motion of Councilman Carland, seconded by Councilman Bryson, depositories for City Funds and the Sinking Fund Commission will remain with the [illegible] the Wachovia Bank & Trust Company, First National Bank & Trust Company, and the Merchants Bank.

[illegible] until 11 o'clock.

[illegible] City Council met at 11 o'clock with all members present except Councilmen Bryant and Weaver.

Upon motion of Councilman Bryant, seconded by Councilman Penland, and unanimously carried, the City Solicitor was instructed to fill the vacancy caused by the resignation of Julius C. Corpening, Jr. The motion was unanimously carried and Mr. Glenn Morris was appointed City Solicitor.

Upon motion of Councilman Whitmire, seconded by Councilman Rhodes, and unanimously carried, Justice of the Police Court was changed to Judge of the Police Court. The motion was carried and Mr. Gudger was elected Asst. Judge of the Police Court.

Upon motion of Councilman Penland, seconded by Councilman Bryan, and unanimously carried, Solicitor of the Police Court; the motion was unanimously carried and Mr. Donahoe was elected to Asst. Solicitor.

Upon motion of Councilman Whitmire, seconded by Councilman [illegible] and unanimously carried, the matter was referred back to the Common Pleas Council.

The matter of [illegible] to the Councilmen. Julius Johnson expressed his appreciation of being able to serve in this capacity, and bid the Council God speed. Councilman Penland thanked Julius Johnson for his services.

There being no further business the meeting was on motion adjourned.

Glenn Morris
City Clerk

[illegible] Council Chamber, [illegible] Councilmen Robert W. [illegible] Bryan, Robert [illegible] Whitmire, and Dahlia C. [illegible] matter came on for consideration.

Resolution [illegible] created.

WHEREAS, the City Council [illegible] and

WHEREAS, the City Council [illegible] created a tax relief bill; and

WHEREAS, Section [illegible] tax relief bill, being House Bill No. [illegible] ratified March 21, 1935 gives any governmental unit which [illegible] the power and authority to [illegible] upon the assessment of taxes [illegible] advertising same; and

WHEREAS, the following [illegible]

APPROPRIATION	LICENSE OWNED	FOR
6061	D. B. Blackwood	1/2 [illegible]
		1/2 [illegible]

NOW, THEREFORE, [illegible]

ASHEVILLE:

That the Mayor of the City of Asheville is [illegible] and empowered to execute [illegible] set out, which deed is to be [illegible] Asheville who will deliver the same to the bidder [illegible] referred to, and upon [illegible] out, and the listing of [illegible] was vested in the City of Asheville.

I move the [illegible] seconded by [illegible].

[illegible]
Secretary

GIVEN UNDER MY [illegible]:

C. B. Rumfelt
Councilman

Read, approved and adopted this 26th day of May, 1936.

Robert W. Gudger
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Dahlia C. Cooke, Jr.
ASSISTANT COUNSEL

Resolution authorizing the Mayor to execute deed to property acquired by the City of Asheville by Tax Foreclosure suit was upon motion of Councilman Rhyne, seconded by Councilman Rumfelt unanimously adopted as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE DEED TO PROPERTY ACQUIRED BY THE CITY OF ASHEVILLE BY TAX FORECLOSURE SUIT.

WHEREAS, it appears to the City Council of the City of Asheville that on May 11, 1936 certain property was sold by the City of Asheville, said land being acquired by the City of Asheville by tax foreclosure suit for delinquent taxes for the years 1927 and 1928; and

WHEREAS, notice of said sale appeared once a week for four successive weeks in The Asheville Times Newspaper, after which the sale was conducted publicly at the court house door and bid in as follows:

		LOT	SHEET	WARD	BID IN BY
[illegible]	[illegible]	173 & 1971	3	4	E. A. Peebles & C. G. Bullock

WHEREAS, it appears that the above property was not bid in at the sale by the listed owner, but it also appears that the tax department of the City of Asheville notified said listed owner by registered letter, said registered letter setting forth the listed owner that the public sale was conducted on the 11th day of May, 1936, and that the property was bid in as shown above, and requesting the listed owner to report to the office of the tax collector and file any objection he might have; and

WHEREAS, said notice was mailed to the listed owner on May 15, 1936, which notice was receipted for by said listed owner, and returned to the tax department; and

WHEREAS, it appears from a report of the tax collector that the above property was assessed and listed for taxes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, said deed to be issued to the bidders as shown above, who were the highest bidders at the sale held on May 11, 1936, which deed is to be turned over to the Tax Collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above mentioned, together with cost of advertising, which amounts is set forth in the deed, together with the listing of the property for taxes for the years in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

Seconded by: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 20th day of May, 1937.

E. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Phil C. Cook, Jr.
Special City Attorney.

Resolution authorizing the Mayor to execute lease to the Biltmore Company was upon motion of Councilman Carland, seconded by Councilman Divelbiss, unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE TO THE BILTMORE COMPANY

WHEREAS, the City Council of the City of Asheville is desirous of leasing a certain building in Biltmore, North Carolina, part of said building now to be used for the fire station; and

WHEREAS, The Biltmore Company, a corporation organized and existing under the laws of the State of Delaware, has made a proposal to the City Council of the said City of Asheville, said proposal speaking for itself in a lease dated May 17, 1937, by and between the City of Asheville and The Biltmore Company, which lease is hereto attached and made a part hereof; and

WHEREAS, said lease is for a period of Ten Years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized and directed to enter into said lease in the name of the City of Asheville with The Biltmore Company for said premises described in said lease.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: J. E. Divelbiss, Jr.
Councilman

[illegible]

[illegible]

[illegible]

Thursday, May 27, 1937 - 4:30 P.M.

[illegible] Council met in regular session Thursday May 20, 1937, in the Council Chamber, City Hall, Mayor Wells presiding. Present: Councilmen Coleman, Bryson, Shuford, Carland, C. T. Bamford, Eugene Carland, Robert W. Wells, City Manager W. P. W. Bartlett, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

A motion [illegible] Library Board for the City of Asheville was [illegible] Councilman Carland, seconded by Councilman Shuford, unanimously passed.

RESOLUTION ABOLISHING THE LIBRARY BOARD FOR THE CITY OF ASHEVILLE

WHEREAS, the terms of office of the present members of the [illegible] have expired:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Clarence H. Wright, Herbert Caskey, and Miss Annie Westall be and they are hereby appointed as members of the Library Board for a term of [illegible] years, or until their successors are appointed.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: Robert E. Shuford
Councilman

Read, approved and adopted, this 27th day of May, 1937.

R. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

A resolution disclaiming right for public use or private roadway from Meadow Road to the property of the Southern Railway Company was upon motion of Councilman Carland, seconded by Councilman Shuford, unanimously passed, as follows:

RESOLUTION DISCLAIMING RIGHT FOR PUBLIC USE OF PRIVATE ROADWAY FROM MEADOW ROAD TO THE PROPERTY OF THE SOUTHERN RAILWAY COMPANY.

WHEREAS, there has heretofore been vehicular travel from Meadow Road to the property of the Southern Railway Company over a private or passage by permission of the owners of the property hereinafter described which said private roadway or passage referred to being the same which runs across lots 31 to 39 inclusive, and lot 2A as shown on sheet 1A of the Tax Map of Ward 7, and which runs in a southwesterly direction from Meadow Road to the property of the Southern Railway Company; and

WHEREAS, said private roadway or passage has never been dedicated to the public use by any plat or otherwise, nor accepted by the City of Asheville as a public way;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City of Asheville hereby disclaims any right or claim for the public use of said private roadway or passage as located at the present time.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: Robert E. Shuford
Councilman

Read, approved and adopted, this 27th day of May, 1937.

Robert W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the Treasurer of the State of North Carolina to make certain disbursements in connection with exchanges of refunding bonds for old outstanding obligations of the City of Asheville and [illegible] thereof was upon motion of Councilman Carland, seconded by Councilman Shuford unanimously adopted as follows:

RESOLUTION AUTHORIZING THE TREASURER OF THE STATE OF NORTH CAROLINA TO MAKE DISBURSEMENTS IN CONNECTION WITH EXCHANGES OF REFUNDING BONDS FOR OLD OUTSTANDING OBLIGATIONS OF THE CITY OF ASHEVILLE AND [illegible] THEREOF.

WHEREAS, in order to expedite the refunding obligations of the City of Asheville and the various political sub-divisions thereof, there has been transmitted to the Treasurer of the State of North Carolina certain funds to be disbursed by him in connection with exchanges of refunding bonds; and

WHEREAS, the Treasurer of the State of North Carolina is unwilling to comply with the refunding agreements under which the [illegible] but desires authority of the City Council to make such disbursements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Treasurer of the State of North Carolina be, and he is hereby, authorized to make disbursements on old, outstanding bonds, in connection with exchanges of Refunding Bonds, in accordance with amounts shown on schedule showing amount due on each bond and the assignment of the number of the new Refunding Bond to be exchanged therefor.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: Robert E. Shuford
COUNCILMAN

Read, approved and adopted, this 27 day of May, 1937.

R. W. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

[illegible] ORDINANCE # 243 - [illegible]

An Ordinance No. 243, Levying, Assessing, Imposing, and Defining the Licenses And Privilege Taxes of the City of Asheville for the Fiscal Year beginning June 1, 1937, and ending May 31, 1938, was presented on its First Reading by Councilman Eugene Carland, seconded by Councilman Robert E. Shuford. A roll call was taken and Councilman Bryson voted "Aye". Councilman Shuford voted "Aye, Councilman Bamford voted "Aye", Councilman Carland voted "Aye", Councilman Wells voted "Aye". As copies of this Ordinance had been furnished each Councilmen present twenty-four hours prior to the meeting, on motion of Councilman Carland, seconded by Councilman Bamford, and each Councilman present voting "Aye" the reading of the ordinance was dispensed with.

City Manager P. M. Burdette suggested that it would not be out of place for the Council to pass a resolution of sympathy and send it to the family of John D. Rockefeller, Sr. In view of the benefit Mr. Rockefeller had been to this section, Mayor Wells asked each member of the Council and the City Manager to act on this committee.

Ordinance No. 246, entitled, "An Ordinance Requiring the operators of taxicabs or Jitney buses, other than Jitney buses and taxicabs operated under the jurisdiction of the Utilities Commission, to take out and carry public Liability Insurance Policies" moved by Councilman Shuford, seconded by Councilman Bryson, was passed on its second reading. All Councilmen present voted "aye".

Judge Sam Cathey presented petition signed by property owners on Ashland Avenue requesting the extention of lower Ashland Avenue into McDowell St, across South Side Avenue. The petition also requested a better lighting system for this section. This was referred to Councilman Shuford, Councilman Bryson, and Councilman Garland with City Manager P. M. Burdette as a committee to investigate and report.

A petition signed by property owners on Sandhill Road in the block 448 to 458 requested that a street light be erected. This was referred to the City Manager.

Mr. Vonno Cudger, Attorney, presented claim for alleged personal injuries in the amount of $2500.00. Upon motion this was referred to the City Manager and Corporation Counsel.

State of North Carolina
City of Asheville

Before City Council
May 27, 1937.

Harry R. Tebo
vs.
City of Asheville

NOTICE OF CLAIM

TO THE HONORABLE MAYOR AND BOARD OF COUNCILMEN OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

Please take notice by this writing, and by advertance to, and in compliance with the Charter of the City of Asheville, the statutes and laws of the State of North Carolina, that the undersigned and above-named claimant claims and/or demands of the City of Asheville, and asserts and avers as follows:

1.

That on or about April 28, 1937, was the time of the infliction of the injuries complained of herein and hereby on the person of this complainant.

2.

That the place of the happening or infliction of said injuries was at and in the man hole, at the curbing on the south side of Magnolia Avenue, the opening of same being about one foot east of the concrete walk way of Mrs. Clara K. Burney, in front of her property known as No. 72 on said street where it enters the street and sidewalk property of your said City.

3.

That the manner of the infliction of the said injuries on the person of said claimant, and the negligence of your said City involved therein as matters of fact and law, as claimant now sees them were as follows:

The negligent construction of, and the inadequacy of the sewer under said man hole, the negligence of the City in its maintenance, and the obstruction of the covering to said man hole, and the City's failure to secure the lid on the same and keep it there after repeated reports of it being off often for some hours upon every swell of sewerage, and the City's acts of omission and commission otherwise.

And especially the City permitted the iron lid to be dislodged, and remain so on the dat of the injuries to claimant aforementioned, when he stepped from a taxi driven by him to admit the entrance of, and open the door for a passenger, as he was instructed to do, and was customary, and onto the said iron lid, which being dislodged from its usual position, and permitted to be and remain so, by your City's negligence as aforesaid, when and where claimant without warning of the danger, or fault of his own, landed on said lid, it turned, claimant dropped into said man hole and astride said sharp edged and ended lid, severly and permanently injuring him as hereinafter set

4.

That the extent and amount of claimants injuries, so far as now informed and believes are as follows, towit:

The infliction of a severe bruise low in his right groin, which soon became blue and discolored over an area about three inches square and remained so for several days.

Wrenching and tearing claimants back, straining muscles, nerves, prostate and other glands, muscles and other structures of his body, especially in the region of the injury to and in his groin as aforesaid.

His loss of time and earnings, past and in the future, suffering, mental anguish and his permanent injuries and sexual disturbances resulting therefrom, his expenditure for medical attention and medicines.

5.

And claimant claims and demands damages because of said injuries and legally resulting from said injuries in the sum of Twenty-five Hundred ($2500.00) Dollars, and the Charter and laws as to the notice of same to Honorable Board within the time prescribed therefor therein, also claimant will resort to legal action.

Vonno Cudger
Attorney for Claimant

State of North Carolina

Buncombe County.

HARRY R. TEBO being by me first duly sworn, deposes and says:

That he is the claimant named herein; that he has read the foregoing notice of claim and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated upon information and belief, and as to those matters he believes it to be true.

Harry R. Tebo

Sworn to and subscribed before me this the 27th day of May, 1937.

Acknowledgement is hereby made of the presentation of the above claim (of which this is a duplicate copy) to, and before the said Board of Councilmen of the City of Asheville, in regular session and meeting at the City Hall, by Vonno Cudger, Attorney for said claimant.

This the 27th day of May, 1937.

Robert H. Wells
Mayor

TRAFFIC LIGHT

Councilman Bryson brought to the attention of the Council that he had received for a traffic light on Haywood Road at Bryant Park this was referred to the City Manager.

On motion, the meeting was adjourned.

R. H. Wells
Mayor

Henry Morris
Clerk

Monday June 7, 1937 - 7:30 P. M.

The [illegible] session, Mayor Wells presiding, Thursday afternoon June 3, 1937. The [illegible] Councilmen Holmes Bryson, J. F. Divelbiss, Jr., [illegible], Eugene Garland, Robert M. Wells, City Manager D. W. Rundlett, and Philip C. Cooke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Mr. Zeb Curtis, Attorney, filed amended claim of Carrie McMillan as follows; which was referred to the Corporation Counsel.

THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE,
ASHEVILLE, NORTH CAROLINA.

TAKE NOTICE, that Carrie McMillan, residing at No. 11 Reid Street, Asheville, N. C. by and through her attorneys, Zeb F. Curtis and W. G. Hamilton, who are acting for her and at her special request, hereby makes more definite and specific her claim for damages filed against the City of Asheville on the 15th day of April, 1937, especially as to the condition of the sidewalk at the point where she was hurt under section "3". "Manner of Injury", set forth in said claim for damages.

1. Date: Claimant was injured on the 24th day of March, 1937, between seven and eight o'clock P. M.

2. Place: Claimant was injured on Valley Street, one of the principal thoroughfares of the City of Asheville, a short distance South of the Red Front Grocery Store on said Street.

3. Manner of Injury: Claimant was walking south along the sidewalk on the northwest side of said street, carrying a number of bundles or packages, at the time above mentioned, and as she proceeded along said sidewalk in a careful manner she came to a point thereon a little below the Red Front Grocery Store, in which sidewalk was located a water meter near the middle thereof, and at which said point said sidewalk was somewhat sunk or lower for a few feet than the regular level thereof at other places; that the upper side of said water meter, and immediately adjacent thereto, there was a hole in said sidewalk several inches in depth and width in said sidewalk, from a point little above said water meter up to said water meter, that the rim of said water meter in said sidewalk extended out over said hole and was not flush with the sidewalk creating a dangerous condition particularly to pedestrians walking south on said sidewalk; that said sidewalk at said water meter, as well as above and below the same, is a few feet above the ground west of said sidewalk, and there was no railing or other protection along the west side of said sidewalk, nor any street light within any reasonable distance of said hole; that while claimant, as aforesaid was walking in a careful manner along said sidewalk, she stepped in said hole and caught her foot under the edge of the rim of said water meter, causing her to fall off said sidewalk on the west side thereof.

4. Character of the Injury: Claimant sustained serious, severe and painful injuries as a result of falling in the manner above set forth, to-wit: fracture of several of the ribs on the right side of her body, a severe sprain in the region of her iliac joint, and other pains and bruises from which she has suffered great pain, and will continue to suffer, as she verily believes.

5. Amount of damages claimed: That because of the injuries sustained as a result of the negligence of the city in the manner herein set forth, which condition was known to the City of Asheville, or by the exercise of reasonable diligence on its part, should have been known, claimant has been damaged in the sum of $2,000.

This the 2nd day of June, 1937.

Carrie McMillan, Claimant,

By Zeb F. Curtis

W. G. Hamilton
Attorneys for Claimant.

A resolution regretting the death of John D. Rockefeller, Sr., was upon motion of Councilman Bryson, seconded by Councilman Divelbiss, unanimously adopted as follows:

RESOLUTION RECORDED [illegible]

WHEREAS, [illegible]

[illegible]'s passed away; and

WHEREAS, [illegible] special reason for [illegible] erected; and

WHEREAS, Asheville, [illegible] grateful to Mr. John D. Rockefeller, Jr., for his long and generous aid in the establishment of the Great Smoky Mountains National Park, [illegible] gift for this [illegible] as a memorial to his mother, Laura Spelman Rockefeller;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE,

[illegible] that the City Council of Asheville tender to Mr. John D. Rockefeller, Jr., to the members of his family our sincere sympathy in the depth of his father and our high appreciation of the [illegible] outstanding usefulness of the [illegible] created so magnificently and so wisely in their planning and in their execution.

I move the adoption of the foregoing resolution.

Holmes Bryson
Councilman

SECONDED BY: J. F. Divelbiss
Councilman

Read, approved and adopted, this 3rd day of June, 1937

R. M. Wells
Mayor

Glenn Morris
City Clerk

Approved as to form:
Philip C. Cooke, Jr.
Corporation Counsel.

QUIT-CLAIM DEED

Resolution authorizing the Mayor to execute quit-claim deed for Lot [illegible] 22, of the Skyland Park Subdivision, as shown on Plat Book 151 Page 39 in the office of the Register of Deeds for Buncombe County, was upon motion of Councilman Garland, seconded by Councilman Divelbiss, as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED FOR LOT 99, BLOCK 22, OF THE SKYLAND PARK SUBDIVISION, AS SHOWN ON PLAT BOOK 151 PAGE 39 IN THE OFFICE OF THE REGISTER OF DEEDS FOR BUNCOMBE COUNTY

WHEREAS, in the year 1889 a Mr. Cooke purchased [illegible] the Skyland Park Subdivision known as Lot 99, Block 22; and

WHEREAS, subsequent to his purchase a conveyance [illegible] entire subdivision excluding therefrom Lot 99, Block 22, as set out above; and

WHEREAS, from time to time property in Skyland Park Subdivision has changed hands, notwithstanding the ownership of Cooke, and in several instances was conveyed in error; and

WHEREAS, through said erroneous conveyances Lot 99, Block 22, was conveyed to the Board of Financial Control in the liquidation of certain securities held by it; and

WHEREAS, because the City of Asheville is not the true owner of the property in question, and has no interest whatsoever therein, and in order to obviate any eyestuib arising as to the title of Mr. Cooke by reason of the property having been erroneously included in the prior conveyances [illegible] mentioned, it is the opinion of the Council that the City should execute a quit-claim deed to Mr. Cooke;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized to execute E. R. Cooke a quit-claim deed for Lot 99, Block 22, of the Skyland Park Subdivision, as shown on Plat Book 151 at page 39 in the office of the Register of Deeds for [illegible] County.

I move the adoption of the foregoing resolution.

Eugene Garland
Councilman

SECONDED BY: J. F. Divelbiss, Jr.

Read, approved and adopted, this 3 day of June, 1937.

P. M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution appointing members of the Examining Board for Electricians of the City of Asheville, was upon motion of Councilman Bryson, seconded by Councilman Etheridge, unanimously adopted as follows:

RESOLUTION APPOINTING MEMBERS OF THE EXAMINING BOARD FOR ELECTRICIANS OF THE CITY OF ASHEVILLE.

WHEREAS, the term of office of the present members of the Examining Board for Electricians of the City of Asheville has expir[ed];

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That M[a]rion B. Haynes, e,ectrical contractor, and T. C. Johnson, [electrici]ans, be and they are hereby appointed for a term of two years as members of the Examining Board for Electricians of the City of Asheville.

I move the adoption of the foregoing resolution

Holmes Bryson
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 3 day of June, 1937.

P. M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Ordinance No. 242, entitled, "An Ordinance levying, assessing, imposing, and Defining the License and Privilege Taxes of the City of Asheville for the Fiscal year beginning June 1, 1937, and Ending May 31, 1938 was passed on its second reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Etheridge voted "aye" Councilman Carland voted "aye" Councilman W[ells] voted "aye". On motion of Councilman Carland, seconded by Councilman Bryson, the r[ea]ding of the ordinance was dispensed with, all Councilmen present voting "aye"

Ordinance No. 242, entitled, "An Ordinance requiring the Operators of Taxicabs or Jitney buses, other than Jitney buses and Taxicabs operated under the jurisdiction of the Utilities Commission to take out and carry Liability Insurance policies" was passed on its third and final reading. A roll call was taken, and Councilman Bryson voted "aye". Councilmen Divelbiss voted "aye". Councilman Etheridge voted "aye" Councilman Carland voted "aye" and Councilman Wells voted "aye".

ORDINANCE NO. 242

AN ORDINANCE REQUIRING THE OPERATORS OF TAXICABS OR JITNEY BUSES, OTHER THAN JITNEY BUSES AND TAXICABS OPERATED UNDER THE JURISDICTION OF THE UTILITIES COMMISSION, TO TAKE OUT AND CARRY PUBLIC LIABILITY INSURANCE POLICIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

SECTION 1. That every person, firm or corporation operating taxicabs or jitney buses within the corporate limits of the City of Asheville, other than jitney buses or taxicabs operated under the jurisdiction of the Utilities Commission of the State of North Carolina, and engaged in the business of transporting passengers for hire over the public streets of said city, shall furnish and keep in effect for each such jitney bus or taxicab or other motor vehicle so operated a policy of insurance subject to the approval of the governing body of said city, said policy of insurance to be in the amount of Five Thousand ($5,000.00) Dollars (Twenty-five Hundred ($2[,500.00]

Dollars being the [maximum] liability to two persons [injured] in any one accident) conditioned on such [policy] being [issued] to persons [operating] taxicab or other motor vehicle

Section 2. [This] ordinance shall be placed with the [records] of the City of Asheville.

Section 3. That any person, firm or corporation violating the provisions of this ordinance shall be subject to a fine of Fifty ($50.00) Dollars [for] each said violation occurs [shall constitute a] separate offense.

Section 4. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed.

I move the adoption of the foregoing ordinance, this 20th day of May, 1937

Robert F. Shuford
COUNCILMAN

SECONDED BY Holmes Bryson
COUNCILMAN

Read, approved and adopted this 3 day of June, 1937, to become effective the 20th day of June, 1937.

P. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Vice-Mayor Bryson asked the Corporation Counsel to give his opinion as to bicycle riders observing traffic laws. Mr. Cocke, Corporation Counsel, said that were required by law to observe all traffic rules and regulations. The City Manager was asked to see that the Police Department be notified to enforce this law.

On motion of Councilman Etheridge, seconded by Councilman Carland, the meeting was adjourned.

P. M. Wells
Mayor

Glenn Morris
City Clerk

June 10, 1937--4:30 P. M.

The City Council met in regular session Thursday afternoon, June 10, 1937. Mayor Wells presiding: Present: Councilmen Holmes Bryson, C. B. Rumford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr. Corporation Counsel. Minutes of the previous meeting were read and approved with the correction in recording the voting of each Councilman on the [illegible] vote.

[illegible]

Petition signed by the property owners on Greenlaw Park between Kimberly Avenue and Manetta Street requesting the name be changed to Kimberly Place, was referred to the City Manager.

[illegible]

James S. Howell, Attorney, presented claim of Alex P. Riggs, for alleged damages resulting from the draining of Kenilworth Lake, which he had leased for fishing purposes. This claim was for $750.00, as follows:

TO THE HON. MAYOR AND COUNCILMEN OF THE CITY OF ASHEVILLE, ASHEVILLE, NORTH CAROLINA:

Gentlemen:

You will please take notice that the undersigned, Alex P. Riggs, pursuant to section 241 of the City Charter of the City of Asheville, hereby claims and demands damages of the City of Asheville, as the result of damages

to leasehold of the said Alex P. Digges, consisting of the wat[illegible] and adjoining [illegible] Lake Kenilworth, situated in Hom Creek Township, City of Asheville, Buncombe County, [illegible] said Alex P. Digges having leased said lake for fishing privileges of [illegible] purposes, that [illegible] leasehold being depreciated, damaged and for the time being destroyed for all commercial purposes by reason of the fact that on or about the 21st day of May, 1937, the City of Asheville, by and through its Department of Public Safety, cooperating with the Works Progress Administration, caused the waters of Lake Kenilworth to be lowered to such an extent as to cause and force fish and the food supply for the said fish out of said lake, the said employees of the City of Asheville being negligent in that they failed to provide proper screen over the drain pipe from said lake, and in that said City of Asheville was negligent in not providing [illegible] the emergency of the breakage of the apparatus used for operating the water gate [illegible] the dam, which water gate controlled the flow of water through the large drain pipe [illegible] gradually lowering the waters of the said lake, the entire water supply in said lake was permitted to flow out as aforesaid.

[illegible] of the foregoing acts of negligence created by employees of the City of Asheville, [illegible] leasehold has been depreciated, damaged and [illegible] been damaged in his business and enterprise in the sum of Seven Hundred Fifty ($750.00) Dollars, and this claimant respectfully presents claim for said amount through his Counsel, and demands the payment of the same.

ALEX P. DIGGS

By: James S. Howell

Attorney

Four of the Coal dealers appeared with the request that the Council fix a flat rate of $75.00 for Coal Dealers instead of the sliding scale now in effect. After lengthy discussion the Revenue Law upon motion of Councilman Bryson, seconded by Councilman Bamford, held over until the next meeting for final reading. These Coal dealers were Mr. Lyons Lee, Mr. Bernard Elias, Mr. Clyde Bradley, and Mr. Frank E. Redmond.

R. M. Wells on motion, adjourned.
MAYOR

Glenn Morris
CITY CLERK

Thursday, June 17, 1937--4:30 P. M.

The City Council met in regular session, Mayor Wells presiding, Thursday afternoon, June 17, 1937. Present: Councilmen Holmes Bryson, J. E. Divelbiss, H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Mr. Albert Malone, speaking for the coal truckers, said they had rendered a service to the people of this City in helping to regulate coal prices.

The City Manager, P. M. Burdette, reported to the Council that the coal dealers, the Corporation Counsel and he had been working on that section of the Revenue Ordinance dealing with Coal concerns and would have it completed by next meeting.

REVENUE ORDINANCE POSTPONED

On motion of Councilman Carland, seconded by Councilman Bamford, the final reading of the Revenue Ordinance was postponed until the next meeting.

Councilman Divelbiss thanked the City Manager for the erection of street signs and said it was a great improvement.

Councilman Bryson thanked the press for the publicity given the "bicycle riders" and said he had not observed an offender since.

The meeting was on motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, June, 24, 1937--4:30 P. M.

The City Council met in regular session, Thursday afternoon, June 24, 1937, Mayor Wells presiding. Present: Councilmen Holmes Bryson, H. G. Etheridge, C. R. Bamford, Robert E. Shuford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

A delegation of coal dealers appeared before the Council regarding the tax on coal dealers, some spoke in favor of and some against the proposed rate of $75.00, instead of the sliding scale now in effect.

Resolution authorizing the Treasurer of North Carolina to cancel certain refunding bonds dated July 1, 1936, issued by the City of Asheville, was upon motion of Councilman Carland, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING THE TREASURER OF NORTH CAROLINA TO CANCEL CERTAIN REFUNDING BONDS, DATED JULY 1, 1936, ISSUED BY THE CITY OF ASHEVILLE.

WHEREAS, it appears to the City Council of the City of Asheville that the Treasurer of the State of North Carolina is in possession of executed General Refunding bonds of the City of Asheville, dated July 1, 1936, in excess of the number required to complete the refunding operations of the City of Asheville; and

WHEREAS, it is the opinion of the City Council that these bonds should be immediately cancelled;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Treasurer of the State of North Carolina be, and he is hereby authorized to cancel the following General Refunding Bonds of the City of Asheville, dated July 1, 1936:

General Refunding Bonds B 1245 and 1246 -- $1,000.00

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Local Government Commission at Raleigh, North Carolina.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 24 day of June, 1937.

R. M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION CO

Ordinance No. 344--[illegible]

An ordinance entitled, "An Ordinance Regulating the Sale and Delivery of Coal, Coke and Charcoal within the City limits of the City of Asheville" was upon motion of Councilman Bamford, seconded by Councilman Carland, unanimously passed on its first reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Shuford voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye" and Councilman Wells voted "aye".

Ordinance No. 243, entitled, "AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1937, AND ENDING MAY 31, 1938" was passed as amended on its third and final reading. A roll call was taken and Councilmen Bryson voted "aye" Councilman Shuford voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye, and Councilman Wells voted "aye". The Ordinance was ordered published in the Asheville Times to become effective July 14, 1937, fifteen days after publication.

ORDINANCE NO. 243

AN ORDINANCE LEVYING, ASSESSING, IMPOSING, AND DEFINING THE LICENSE AND PRIVILEGE TAXES OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JUNE 1, 1937 AND ENDING MAY 31, 1938.

SECTION 1. THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

That to raise funds for general municipal purposes, the following license taxes hereinafter specified are hereby levied for the privilege of carrying on the businesses, trades, professions, callings, occupations, or doing the act named, within the corporate limits of the City of Asheville, from the first day of June, 1937 to the thirty-first day of May, 1938, unless for some other time or period herein specified, and all such taxes shall be due and payable in advance at the office of the Director of Finance. The payment of any particular tax herein imposed shall not relieve the party paying same from liability for any other tax specifically imposed for any other business conducted by such person.

SECTION 2.

That all persons, before engaging in any business, trade, profession, calling, occupation, or doing any act on which a license tax is imposed by this ordinance shall, except as hereinafter provided, apply for and procure in advance, from the Director of Finance or someone designated by him, for license, and upon the paymant of the license tax herein imposed a license shall be issued to said applicant. Such license must be posted conspicuously in the place of business licensed, and if the licensee has no regular place of business, the license must be kept where it may be inspected at all times by the proper city officials. No license shall be transferable or assignable except by consent of the City Manager.

SECTION 3.

(a) That any person, firm, or corporation, desiring to engage in any business, trade, or vocation. or do anything hereinafter mentioned in this paragraph, may be required to appear in person before the Director of Finance for a license, state the place at which it is proposed to conduct the business, the names of all members of such firm, or, if the owner be a corporation, the names of the officers, including the manager. And the Director of Finance shall also have the right to require the owner, proprietor, manager, or other person interested in or connected with such business, to give evidence, upon oath, touching the manner in which such business has been or is to be conducted, as well as any other facts which the Director of Finance may deem necessary. This section shall apply to the following:

1. Owners and Drivers of For Hire Vehicles and Public Conveyances.
2. Keepers of Billiard, Pocket Billiard, or Bagatelle Tables.
3. Bowling Alleys, or Alleys of like kind.
4. Shooting Galleries.
5. Cane Boards, Jingle Boards, or Knife Racks.
6. Penny Arcades.
7. Merry-Go-Rounds, Ferris Wheels, Switchbacks, or Roller Coasters.
8. Any kind of Table, Stand, Place, or Game, kept in a house or room used or connected with a hotel or restaurant.
9. Carnivals, Theatres, Motion Picture Shows, Vaudeville Shows, Dance Halls, Roof Gardens, or Menageries.
10. Phrenologists.
11. Lunch Counters or Restaurants
12. Hotels, Lodging Houses, or Boarding Houses.
13. Soft Drinks
14. Junk Dealers.
15. Pressing Clubs.
16. Pawnbrokers.
17. Second-hand Dealers.
18. Gasoline or Oil Filling Pipes, Service Tanks, or Pumps.

(b) A license may be refused for any business enumerated in the preceding sub-section unless the City Manager shall be satisfied that the applicant, or the proper manager, is a person of good moral character, and fit and proper person to conduct such business, and unless he shall also be satisfied that the place proposed is a suitable place for the conduct of such business.

(c) That billiard rooms, pool rooms, bowling alleys, bagatelle tables, or rooms where games or tables of like kind are operated, and also restaurants, cafes, lunch counters, or places where soft drinks are sold, be kept clear of screens or sight obstructions of any kind.

SECTION 4.

That before license shall be issued for any of the following businesses, the applicant shall execute a satisfactory bond, payable to the City, in the amount hereinafter named, conditioned for the faithful observance by such licensee, his or its servants, agents, or employees, of all laws and ordinances now in force or hereinafter enacted, relating to such business, and further conditioned to save the City harmless from damage arising from the negligence of such licensee or agents, servants, or employees thereof, and otherwise as the City Manager may determine:

1. Pawnbrokers	$1,000.00
2. Junk Dealers	1,000.00
3. Electrical Contractors	1,000.00
4. Electric Sign Contractors and Hangers	500.00
5. Plumbing Contractors	1,000.00
6. Sidewalk or Paving Contractors doing any work on sidewalks or streets costing not over $300.00 ~~$100.00 Over $300.00~~	1,000.00
7. House Movers	500.00
8. Taxicabs	500.00

SECTION 5.

That whenever the word "person" is used in this ordinance, the same shall be construed to include "firms", "companies", "corporations", and "associations".

SECTION 6.

Where the amount to be paid for license depends upon the amount of gross sales or receipts, or other facts to be ascertained, it shall be the duty of persons applying for license to render to the Director of Finance a sworn statement of such gross sales or receipts during the preceding months, quarter, or year, as the case may be, and such other and further proof as the Director of Finance may require; or, if the amount of license to be paid is determined by other facts, then a sworn statement as to such facts, and such other and further proof as the Director of Finance may require, shall be rendered said Director of Finance; and in either case, the Director of Finance shall not be required to receipt for the money or issue any license until satisfactory proofs are furnished. In case the business for which the license is required is commenced after June 1, 1937, and the tax on such business is based upon gross sales or receipts or facts to be ascertained, the license shall be assessed upon the probable gross sales or receipts during a term of one year; or if the amount of tax to be paid is determined by other facts to be ascertained, then a sworn statement as to such facts shall be made, and the license based thereon. Provided, however, that the Director of Finance shall have the right at any time during the period covered by any license to require of such licensee additional sworn statement as to the sales and receipts or other determining facts of such business, and an additional license tax shall be paid in accordance therewith.

SECTION 7.

When any business is begun after June 1, 1937, the tax in such case may be reduced in proportion to the number of full quarters that have elapsed since June 1, 1937, unless otherwise provided in the section fixing the tax. Provided, however, that no license shall be issued for less than one ($1.00) Dollar.

SECTION 8.

The adoption of this schedule of license tax shall not abridge the right of the City Council to change, alter, increase, or decrease, any or all of the license taxes herein levied, or to levy taxes on business, trades, or professions not hereby taxed, at any time. And when any increase is made, the license shall be revoked unless such increase tax be paid within thirty (30) days.

SECTION 9.

Should any section, paragraph, sentence, clause, or phrase, of this ordinance, be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.

SECTION 10.

A separate license shall be required for each place of business, and every class of business for which a license tax is required by this ordinance.

SECTION 11.

Any license issued under this ordinance shall be subject to revocation or suspension for a definite or indefinite time by the City Manager, without refund of any part of the tax paid, if the licensee or manager, or person in charge of the business, or employees, shall violate any ordinance or law relative to such business, or be convicted of crime, or if, in the judgment of the City Manager, the licensee does by reason of its nature or the manner or place in which it is conducted, constitute a nuisance or is a menace to good order or to public health, welfare, safety, or morals. And upon the revocation or suspension of any such license, it shall be unlawful for the person to whom such license was granted to continue to conduct such business. Any person, firm, or corporation, violating this provision, shall pay a penalty of fifty ($50.00) dollars. Each day such business is conducted after revocation or suspension of license, shall constitute a separate offense.

SECTION 12.

It shall be the duty of the Director of Finance to see that the Solicitor of the Police Court is furnished with a list of all unpaid license taxes for the fiscal year of 1937-38, and it shall be the duty of the Solicitor of the Police Court to issue warrants for all delinquents, and to prosecute as vigorously as necessary and demand that same be paid or inflict a penalty as provided in this ordinance.

SECTION 13.

That every person who shall violate any provision of this ordinance, or carry on any business, trade, or vocation, or profession, on which a license tax has been fixed, without having first paid the tax and received a license, shall be liable to a penalty of fifty ($50.00) dollars for each offense, and each day said business shall be carried on shall constitute a separate and distinct offense.

SECTION 14.

All license taxes imposed by this ordinance shall be due June 1 of each year for which the tax is levied, and shall become payable upon the date that this ordinance shall become effective, and the tax may be paid in quarterly installments, at the request of the taxpayer; provided, however, that not less than one-fourth of the total tax may be paid in any one installment. If any installment shall not be paid on or before the first day of the quarter upon which the same shall become due, then all unpaid Installments shall immediately become due and payable, together with a two (2%) per cent penalty per month upon the entire unpaid balance. All license taxes imposed by this ordinance shall become due and payable in advance, and if any person shall fail to pay any license tax required by this ordinance by September 1, 1937, 2% per month of the amount of such license shall be added to the tax required, and no license shall be granted until the license tax, plus the two (2%) per centum per month thereof, has been paid. The addition of the two (2%) per centum per month on the amount of said license shall not exempt the delinquent from the penalties h rein prescribed in case of delinquency.

SECTION 15.

When a license is issued, it is presumed that the location of the business or the kind of business licensed is not prohibited by some other ordinance, however, if same is prohibited or found to be illegal or illegally operated the City Manager has the authority to revoke the license.

SECTION 16. LICENSE SCHEDULE

"A"

ABATTOIR OR SLAUGHTER HOUSE
Per Annum ---------- $50.00

ACCOUNTANTS.
Exempt by State Statutes.

ADVERTISING.
Not specifically taxed.

Every person, firm, or corporation, engaged in the business of soliciting or contracting for advertising, or engaged in the business of advertising, and not specifically classified and taxed by this article, where tax is not prohibited by State Statutes, shall pay a license tax of, per annum ---------- $15.00

Provided, that this tax shall not apply to newspapers or periodicals published in the City.

ADVERTISING, OUTDOOR--BILLBOARDS.

Every person, firm, or corporation, which is engaged or engages in the business of outdoor advertising by means of sign boards, poster boards, or printed bulletins, or any other outdoor advertising devices, erected upon grounds, walls, or roofs of buildings, shall pay a license tax of, per annum ----------$75.00

(a) Every person, firm, or corporation, owning or maintaining sign boards, poster boards, painted bulletins, printed bulletins, or other outdoor advertisements of any nature, shall have imprinted on the same the name of such person, firm, or corporation in sufficient size to be plainly visible and permanently affixed thereto.

(b) Distribution in the City of Asheville, or sign-tacking, advertising by tacking, posting on poles, trees, buildings, fences, or other structures, except on licensed billboards, PROHIBITED.

ADVERTISING-DISTRIBUTORS OF SAMPLES, PRINTED ADVERTISEMENTS, AND CIRCULARS.

Every person, firm, or corporation, distributing samples, circulars, handbills, or other printed matter from house to house, or person to person, anywhere within the corporate limits of the City of Asheville, shall pay a license tax of, per annum ----------$100.00

For one distribution, where the annual tax has not been paid ---10.00

Provided, that all distributions of handbills, circulars, or other printed matter, shall be delivered to someone in each residence or business house, or shall be placed under the front door of each residence or business house, or between the front door and the screen. Also, each person, firm or corporation, distributing said circulars, handbills, or other printed matter, shall have the name of such person, firm, or corporation, on each handbill, circular, or other printed matter, in sufficient

size to be plainly visible and permanently affixed therero; and distribution of handbills, circulars, or other printed matter, other than provided in this proviso, is hereby PROHIBITED.

ADVERTISING PLACARDS.

Every person, firm, or corporation, in, or on, whose premises, building, or place of business, pl cards are placed for advertising purposes, and who make a charge therefor, shall pay a license tax of, per annum ----------$25.00

Provided, that every person engaged in the business of operating street cars and/or buses and placing or allowing to be placed within or on such cars, placards for advertising purposes, and making a charge therefor, shall pay a license tax of, per annum ----------$100.00

ADVERTISING BY USE OF PICTURE MACHINES.

Every person, firm, or corporation, operating a moving picture machine, and selling the use of the same for advertising purposes, shall pay an annual license tax as follows:

(a) In each place where the advertisement is run, having a seating capacity of less than three hundred (300) ----------$20.00

(b) In each place where the advertisement is run, having a seating capacity of three hundred (300) and less than one thousand (1,000) ----------$35.00

(c) In each place where the advertisement is run, having a seating capacity of one thousand (1,000) or over ----------$50.00

ADVERTISING BY WAGON OR VEHICLE DRIVEN THROUGH STREETS WITH ADVERTISING SIGNS.

Per annum ----------$10.00

NOT PRORATED.

PROVIDED, that no tax shall be collected where persons advertising place signs on their own vehicles, or for advertisement of football or baseball games.

PROVIDED, further, that the provisions of this section shall apply to all itinerants as defined h rein who place advertisement signs on their vehicles.

AGENTS NOT SPECIFICALLY TAXED.

Every person engaged in business as an agent, having the agency for the manufacturer, producer, or distributor, and not specifically taxed by some other section of this License Schedule, shall pay a tax of, per annum ----------$25.00

AGRICULTURAL IMPLEMENTS AND MACHINERY.

Every person, firm or corporation, engaged in the business of selling agricultural implements and machinery, shall pay a tax of, per annum ----------$25.00

AMUSEMENT DEVICES (SEPARATE FROM A CARNICAL)

See "Riding Devices".

AMUSEMENT PARKS.

Every person, firm, or corporation, engaged in the business of operating a park open tp the public as a place of amusement, in which there may be either a bowling alley, trained animal show, penny or nickel machine for exhibiting pictures, moving picture show, theatrical performance, or similar entertainment, shall pay for the privilege of conducting such amusement park, a license tax as follows:

Municipal license for two (2) months or less ----------	$200.00
Municipal license for four (4) months ----------	$400.00
Municipal license for eight (8) months ----------	600.00
Municipal license for twelve (12) months ----------	800.00

PROVIDED, the payment of the tax shall not authorize the operation of a carnival, circus, or show of any kind that moves from place to place.

ANTIQUE FURNITURE -- DEALERS IN.

Per annum ----------$25.00

Itinerant, per annum ----------$100.00

ANTIQUE SHOPS.

Any person, firm, or corporation, selling or distributing what is commonly termed antiques, shall pay a license tax of, per annum ----------$ 25.00

ARCADES, PENNY PARLORS, PEEP SHOWS.

Each, per annum ----------$200.00

NOT PRORATED.

ARCHITECTS.

Exempt by State Statutes.

ART GOODS, MANUFACTURERS OR DEALERS IN.

Residential retail dealers ---------- $10.00
Itinerant ---------- $100.00

ASPHALT OR ASPHALT SUPPLIES ONLY .

Dealers, sellers, or distributors in, each, per annum ------$100.00

PROVIDED, when building material tax is paid, no additional tax shall be collected under this section.

ATHLETIC SUPPLIES AND SPORTING GOODS.

Every person, firm, or corporation, selling or distributing athletic supplies or sporting goods, shall pay a license tax of, per annum --------- $25.00

PROVIDED, every person, firm or corporation selling athletic supplies and sporting goods, where the gross sales are less than $3,000 annually, shall pay a license tax of, per annum ----------$10.00

ATTORNEYS.

Exempt by State Statutes.

AUCTIONEERS.

(a) Every person, firm, or corporation, that conducts auction sales of anything other than real estate, shall pay an annual tax of, as follows:

Residents, each, per year ----------$10.00
Itinerants, each per day ---------- 5.00
Itinerants, each per week ---------- 10.00

(b) Every person, firm, or corporation, that conducts auction sales of real estate for profit, shall pay a license tax of:

Residents, each per sale ----------12.50
Residents, each per year ----------25.00
Itinerants, each, per day ----------25.00

Not Prorated

AUTOMOBILE, MOTORCYCLE, AND MOTOR VEHICLE, DEALERS: AND SERVICE STATIONS:

(a) Automobile Service Stations: Every person, firm, or corporation, engaged in the business of servicing, storing, painting, or upholstering of motor vehicles, trailers, or semi-trailers, or engaged in the business of retailing, selling and/or delivering of any tires, tools, batteries, electrical equipment, automotive accessories or supplies, including radios designed for exclusive use in automobiles, motor fuel and/or lubricants, or any such commodities, shall pay for each location where such business is carried on, a license tax of, per annum ----------$ 12.50

(b) Automobile Service Station, on Sidewalk or Streets: Every person, firm or corporation, engaged in the business of operating any gasoline or oil pump located on any street or sidewalk, whether such pump is used in connection with any other business or not, and whether such pump is regularly used for the sale of gasoline, or oil, or not, shall pay therefor an annual license tax of, per pump $-50.00

PROVIDED, all such tanks must be installed under the direct supervision and according to the instructions of the Director of Public Works. A permit to install same must be obtained from the City Manager. The Council reserves the right, however, to prohibit the installation of such tanks on public property within the congested district of said municipality. This tax is for the right to use the sidewalk and is in addition to taxes levied by this ordinance on automotive Service Stations.

(c) Automobile Equipment and Supply Dealers at Wholesale: Every person, firm, or corporation, engaged in the business of buying, selling, distributing, exchanging, and/or delivering automobile accessories, parts, tires, tools, batteries, and for other automobile equipment and for other supplies, or any of such commodities at wholesale, shall pay for each location where such business is carried on a license tax for every place of business, of per annum ----------$62.50

PROVIDED, where the wholesale tax is paid the retail tax is not collected on sub-section c.

PROVIDED, any person, firm or corporation, engaged in the business enumerated in this section, and having no located place of business, but selling to retail dealers by use of some form of vehicle, shall pay for such license, on each vehicle carrying on such bu iness, a tax of, per annum ----------$25.00

(d) Body or Top Builders: Every person, engaged in the business of building bodies or tops for automobiles, buses, or trucks, including necessary curtains, shall pay therefor a license tax, of per annum ----------$12.50

(e) Curtain Manufacturers: Every person, engaged in the business of manufacture of curtains for automobiles, buses, or trucks, and not building bodies or tops for such automobiles, buses, or trucks, shall pay therefor a license tax of, per annum ----------$12.50

(f) Motorcycle Dealers: Every person engaged in the business of buying, selling, distributing, and/or exchanging motorcycles or motorcycle supplies, or any such commodities, shall pay therefor a license tax of, per annum --------$10.00

(g) Motor Vehicle Dealers: Every person engaged in the business of buying, selling, distributing, servicing, storing, and/or exchanging motor vehicles, trailers, semi-trailers, tires, tools, batteries, electrical equipment, lubricants, and/or automotive equipment and supplies, shall pay for each location at which such business is carried on, a license tax of, per annum ----------$50.00

PROVIDED, that persons, firms, or corporations, dealing in second-hand or used motor vehicles exclusively, shall be liable for ----------$50.00

(h) Automobile Equipment, Used Parts: Every person, firm, or corporation, buying and selling second-hand, used parts for automobiles, or repairing automobiles, shall pay a license tax for each business of, per annum ----------$12.50

(i) Automobile Finance Companies: Every person, firm or corporation, engaged in the business of financing, refinancing or lending money, funds, on credit, upon the purchase or repurchase of automobiles, or other vehicles, and receiving chattel mortgages, assignment of title, or any other form of security for such financing, or refinancing, shall pay a license tax of, per annum ----------$100.00

AWNINGS AND TENTS.

Every person, firm or corporation, operating any business of manufacturing, selling, instaling, or erecting tents or awnings, shall pay a license tax of:
Per annum ----------$50.00
Itinerants, each ----------$100.00

NOT PRORATED.

PROVIDED, that where stores sell ready-made standard size window awnings only, not more than 48 inches in width, they shall pay a license tax of, per annum ----------$15.00

"B"

BAKERY PRODUCTS, CAKES, CRACKERS, AND DOUGHNUTS.

(a) Every person, firm, or corporation, operating a bakery or preparing or manufacturing bread, cakes, crackers, or doughnuts, shall, if selling at retail, pay a license tax of, per annum ----------$25.00

(b) Selling bakery products, including bread, crackers, or cakes, and doughnuts, at wholesale, per annum ----------$125.00

PROVIDED, that any person, firm, or corporation, selling and delivering bakery products, inclusing bread, cakes, crackers, or doughnuts, manufactured outside of the city, shall pay for each vehicle used in delivering such products within the city, a license tax of, per annum ----------$150.00

PROVIDED, further, that this tax shall not apply to merchants selling bakery products, bread, cakes, crackers, or doughnuts, in connection with a regular merchandising business; and, provided, further, that it shall be unlawful for any person, firm, or corporation, selling or delivering bakery products after the passage of this ordinance to sell or deliver any such products from a vehicle unless such vehicle shall have plainly and visibly painted on it the name of the person, firm, or corporation, operating same, together with the name of the city where such bakery products are manufactured and to also procure from the Health Officer a "Bakery Delivery Permit", the number of which permit must be on such vehicle.

Doughnuts, machines ----------$10.00
Bakery products, manufacturing small pies that retail for not over 5 cents, per annum ----------$10.00

The foregoing shall not be collected from restaurants, on which restaurant tax has been paid.

BALLOONS, NOVELTIES, SOUVENIRS, CURIOS, FLAGS, ETC.

Every individual selling or offering for sale balloons, novelties, souvenirs, curios, flags, needles, sewing equipment, paring knives, cooking utensils, or other instruments, for the preparation of foods, or other classes of merchandise not specifically licensed or taxed herein, or ice cream, soft drinks, lunches, and fruits, shall pay a license tax of:

Per day ----------$ 7.50
Per week ---------- 15.00
Per month ---------- 50.00

PROVIDED, that such tax shall not apply to any merchant selling said articles as part of a regular merchandise business and paying the tax prescribed for merchants; and, provided, that no person shall sell any food products under this section without first obtaining a written permit from the Health Officer.

BANKRUPT OR FIRE STOCK.

Every itinerant salesman or merchant who shall expose for sale either on a lot or in a house or store building rented temporarily for that purpose, any goods wares, or merchandise, bankrupt or receiver's stock, or fire stock, not being a regular merchant in the city, shall apply for in advance a license for the privilege of transacting such business, and shall pay for such license a tax of per annum -----$100.00

NOT PRORATED.

PROVIDED, that such tax shall not apply to any receiver or trustee conducting a bankrupt sale under order of Court.

BANKS AND TRUST COMPANIES.

Every person, firm, or corporation, engaged in the business of operating any general banking or trust business, and such other business as is ordinarily conducted in connection with bank and trust companies, shall pay a license tax as follows:

If its capital stock does not exceed $100,000.00 per annum ----------$50.00

If its capital stock exceeds $100,000.00, but does not exceed $200,000.00 per annum ----------$100.00

If its capital stock exceeds $200,000.00, but does not exceed $300,000.00 per annum ----------$150.00

If its capital stock exceeds $300,000.00, but does not exceed $500,000.00 per annum ----------$300.00

If its capital stock exceeds $500,000.00, per annum ---------- $400.00

BANKS-MORRIS PLAN OR INDUSTRUAL.

(a) Every person, firm, or corporation engaged in the business of operating a Morris Plan or Industrual Bank, shall pay for the privilege of engaging in such business, the following tax:

When the total resources, as of December 31 of the previous year, are less than $250,000.00 ----------$ 37.50
$250,000.00 and less than $500,000.00 ----------$75.00
$500,000.00 and less than $1,000,000.00 ----------$112.50
$1,000,000.00 and less than $2,000,000.00 ----------$150.00
$2,000,000.00 and less than $5,000,000.00 ----------$225.00
$5,000,000.00 and over ---------- $300.00

(b) Every person, firm, or corporation, engaged in the business of soliciting loans or deposits for Morris Plan or other Industrual Banks, shall pay a license tax of, per annum ----------$25.00

Any bank that shall begin business during the current tax year, the tax shall be calculated on the total resources at the beginning of the business.

BARBER AND/OR BEAUTY COLLEGES.

Per annum ----------$25.00

BARBER SHOPS, BEAUTY SHOPS, OR PARLORS.

Every person, firm or corporation, engaged in the business of conducting a barber shop, beauty shop, or other parlor of like kind, shall pay the following tax:

For each barber chair maintained in barber shop, whether chair is in use or not, per annum ----------$2.00
For each operator in beauty shop, parlor, or other shop of like kind in any office, hotel, or other place, per annum ---------- $5.00
For each barber chair maintained in a beauty shop, per annum ----------$5.00
Itinerant massage operators, per day ----------$5.00

BARBER OR BEAUTY SHOP SUPPLIES.

Every person, firm, or corporation, engaged in the selling of barber or beauty shop supplies, shall pay a license tax of, per annum ----------$25.00

BARREL, CRATE OR BASKET FACTORIES.

Each, per annum ----------$25.00

BATH HOUSES.

Every person, firm or corporation operating or maintaining a bath or massage establishment, shall pay a license tax of, per annum ----------$50.00

BEAUTY SHOPS OR PARLORS.

See "Barber Shops".

BED MANUFACTURERS.

Each, per annum ----------$25.00

BEER AND OTHER BEVERAGES.

Regulated by Special City Ordinance, #241.

BICYCLES.

Each dealer or agent selling, supplying, repairing, or renting, per annum ----------$12.50

BILLBOARDS, ADVERTISING BY USE OF.

See "Advertising".

BILLIARDS AND POOL.

Every person, firm or corporation, association, clud, or organization, by whatsoever name called, who shall rent, own, run, maintain, or operate a table or tables on which billiards, pool, or snooker, is played, whether operated by slot or otherwise, shall pay, per annum, for the privilege of operating such billiard, pool, or snooker, tables, a license tax for each table, as follows:

Tables measuring not more than 2 feet wide and 4 feet long ----------$5.00
Tables measuring not more than 2½ ft. wide and 5 ft. long ---------- 10.00
Tabl es measuring not more than 3 ft. wide and 6 ft. long ---------- 15.00
Tables measuring not more than 4 ft. wide and 8 ft. long ---------- 20.00
Tables measuring 4½ ft. wide and 9 ft. long, and larger ---------- 25.00

PROVIDED, that in the event there should be kept, maintained, and operated, any table or tables whose measurements either by width or length are in excess of any of the dimensions in the schedule above enumerated, then and in such event such table or tables so kept, maintained and operated, shall pay a license tax at the rate of the next larger size table above classified.

BINDER OF BOOKS.

Including job printing, each, per annum ----------$30.00
Not including job printing, each, per annum ---------- $15.00

BIRDS.

Every person, firm, or corporation, selling live birds, per annum -----$10.00

PROVIDED, that when pet shop license tax has been paid, no bird license shall be collected.

BLANKETS AND/OR RUG SHOPS.

Every person, firm, or corporation operating a business where the principal item are blankets and/or rugs, shall pay license tax of, per annum ----------$10.00

BLOCKS, CEMENT.

See "Cement Blocks".

BLOWING MACHINES, LIFTING MACHINES, OR ANY EXHIBITION OR PERFORMANCE OF LIKE CHARACTER.

Each per day ----------$50.00

BLUEPRINT SHOPS.

Every person, firm, or corporation, making or selling or distributing blueprints, each, per annum ----------$25.00

BOARDING HOUSES AND TOURIST HOMES.

(a) Every person, firm, or corporation engaged in the business of operating a tourist home, tourist camp, boarding house, or similar place advertising in any manner for transient patronage, or soliciting such business, shall pay a license for five rooms or less, per annum ----------$2.50

For each and every additional room ---------- .50

(b) Every person, firm, or corporation engaged in the business of operating a boarding house using no form of advertising or solicitation for transient patronage and having seating capacity of a dining room in excess of sixteen (16) shall pay license tax of, per annum ----------$5.00

For each additional seat ----------

BOATS AND BOAT SUPPLIES.

Every person, firm or corporation selling boats and/or boat supplies, and/or equipment for boats, shall pay a license tax of, per annum ----------$25

BOND MAKERS.

(a) Every person, firm, or corporation, who justifies on any civil bond or makes a bond of any civil nature whatsoever for any other person, firm or corporati for profit, shall pay a license tax, per annum ----------$75

(b) Every person, firm, or corporation, who justifies on any criminal bond or makes an appearance bond for a defendant in the Criminal Courts within the City of Asheville, and receives compensation therefor, shall pay a license tax of, per annum ----------$10

PROVIDED, that in the event any person, firm, or corporation, engages in the business of justifying on or making both civil and criminal bonds for profit, then and in such event, such person, firm, or corporation, shall pay an annual tax of ----------$15

BOOK AGENTS.

Per annum ----------$ 2
Per day ----------

NOT PRORATED.

Each agent shall always carry the license receipt issued and show the same when called to do so by anyone whom agent calls on for the purpose of making a sale or demonstration.

BOOKBINDERS.

"See "Binders of Books".

BOOK STORES AND STATIONERS.

Every person, firm, or corporation, engaged in the business of selling books and stationary, where fifty (50%) per cent or more of the business is derived from the sale of books and stationary, shall pay a license tax of, per annum ---$25

BOOTBLACK STANDS.

Every person, firm, or corporation, operating any shoeshine parlor or other place open to the public for the shining of shoes, shall pay a license tax thereon as follows:

Where the stands, chairs, seats, boxes, or pairs of foot-rests designed for the use of bootblacks in shining shoes, and kept in such parlors or places of business, whether regularly used or not, does not exceed two ----------$ 2
Where the number is more than 2 and less than 6 ----------$ 4
Where the number is 6 and less than 10 ----------$ 6
Where the number is 10 or more ----------$10

BOTTLING WORKS.

(a) Every person, firm, or corporation, manufacturing, producing, bottling or distributing in bottles, or other closed containers, soda water, Coca-Cola, Pepsi-Cola, Ginger Ale, Chero-Cola, Dr. Pepper, grape, and other fruit juices or imitations thereof, carbonated or malted beverages, and like preparations, commonly known as soft drinks, shall pay a special license tax under the following schedule, to-wit:

LOW PRESSURE EQUIPMENT:

Where the machine or the equipment unit used in the manufacture of the above named beverage is a:

36 spouts, or greater capacity, low pressure filler ----------$15
32 and less than 36 spouts, low pressure filler ---------- 12
24 and less than 32 spouts, low pressure filler ---------- 11
18 and less than 24 spout, low pressure filler ---------- 8
12 and less than 18 spouts, low pressure filler ---------- 6

HIGH PRESSURE EQUIPMENT:

Where the machine or the equipment unit used in the manufacture of the above named beverage is a:

Royal (8-head): Shields (6-head): Adriance (6-head): or other high pressure equipment having manufacturers' rating capacity of over 60 bottles per minute ----------$15

Royal (6-head): Daleson (6-head); or other high pressure equipment having manufacturers' rating capacity of over 50 and less than 60 bottles per minute ----------$12

Royal (4-head): Adriance (2-head): Shields (2-Head)1 (full automotic); or other high pressure equipment having manufacturers' rating capacity of more than 40 and less than 50 bottles per minute ----------$11

Dixie (automotic); Shields (head hand feed): Adriance (1-head); Calleson (1-head); Senior (high pressure); Junior (high pressure); or Burns' or other high pressure equipment having manufacturers' rating capacity of more than 24 bottles and less than 40 bottles per minute ----------$37.50

Single-Head Shields, Modern Bond (power), Baltimore (semi-automotic), and all other machines, or equipment, having manufacturers' rating capacity of less than 24 bottles per minute, and all foot power bottling machines ----------$25.00

PROVIDED, that any bottling machine or equipment unit is not herein specifically mentioned shall bear the same tax as a bottling machine or equipment unit of the nearest rated capacity as herein enumerated; provided, that where any person, firm, or corporation, or association, has within his bottling plant or place of manufacture more than one bottling machine or eqipment unit, then such person, firm or corporation, or association, shall pay the tax as herein specified upon every such bottling machine or equipment unit whether in actual operation or not.

(b) Every person, firm, corporation, or association distributing at wholesale, or jobbing, bottled beverages, as enumerated in sub-section (a) shall pay an annual license tax of ----------$25.00

PROVIDED, however, that where the tax levied under sub-section (a) has been paid on any of the articles, machines, or equipment units enumerated therein, the tax levied under this sub-section shall not apply, nor shall any tax be collected on account of the delivery of the products, beverages, or articles enumerated in sub-section (a) and (b), when a tax has been paid under sub-section (a) or (b).

(c) Aerated, mineral, or other waters, selling or delivering in the city, per annum ----------$25.00

(d) Itinerant dealers, selling or delivering to retailers, bottled soft drinks or water, shall pay a license tax of, per month ----------$25.00

BOWIE KNIVES.

Any person, firm, or corporation, who shall keep in stock, or offer for sale any bowie knives, dirks, daggers, sling shots, loaded canes, or brass, iron or metallic knuckles, shall pay a license tax of, per annum ----------$20 .00

BOWLING ALLEYS.

Every person, firm, corporation, association, club, or organization, by whatsoever name called, who shall own, rent, maintain or operate a bowling alley or alleys shall pay on each alley so owned, rented, kept, maintained, or operated per annum ----------$12.50

BOY FACTORIES.

Per annum ----------$25.00

BRANCH AND CHAIN STORES.

See "Chain and Branch Stores".

BRASS BANDS, ADVERTISING BY USE OF.

See"Advertising, Outdoor", Sub-section (c).

BRASS KNUCKLES.

See "Bowie Knives".

BROKERS, COTTON.

Every person, firm, or corporation, engaged in the business of buying and/or selling on commission any cotton, grain, provisions or other commodities, either for actual, spot, or instant delivery, shall pay a license tax of, per annum --------$50.00

BROKERS, LOAN AGENTS.

See "Loan Agents or Brokers".

BROKERS, LUMBER.

See "Lumber Agents".

BROKERS, MERCHANDISE AND STOCK.

On every commission merchandise broker or dealer engaged in the buying and selling of goods and merchandise on commission and/or brokerage, a license tax shall be paid of, per annum ----------$25.00

BROKERS, PAWN.

On every person, firm, or corporation, engaged in lending money or other things for profit, or on account of specific articles of personal property deposited with the lender in place, a license tax of, per annum ----------$200.00

PROVIDED, where this tax is paid all other license taxes levied by this ordinance, except the tax on items enumerated under the heading of pistols in this ordinance shall not be collected but otherside a $100.00 tax for Pawn Brokers and all other licenses on individual items, shall be collected.

Applicants for pawnbrokers' license must apply to the City Manager in person, for license; and file bond with a company licensed to do such business in the state of North Carolina as surety conditioned as the said Council may determine, which bond must be approved by the Solicitor of the Police Court; provided, every pawnbroker shall make a daily report to the Chief of Police, such report to give an accurate record of each individual article received or deposited as surety, showing name and address of owner, description of article, sufficient for identification, amount advanced for loan; such report to be made in a clear, legible hand or on a typewriter. Any person, firm or corporation, transacting the business of pawnbroker without a license, as provided in this section, or violating any of the provisions of this section, shall be guilty of misdemeanor, and fined not less than fifty ($50.00) dollars.

BROKERS, STOCK.

Every dealer in stocks, bonds, or other securities, whether engaged in buying or selling on commission, or buying outright, shall pay a license tax of, per annum ----------$50.

BUILDING & LOAN ASSOCIATIONS

Exempt from taxation by Section 138.

BUILDING MATERIAL.

(a) Every person, firm, or corporation, engaged as a dealer in lumber and/or other building materials, glass and paints excepted, shall pay a license tax per annum ----------$50.

PROVIDED, where paints and glass are handled with building materials the license shall be ----------$75.

(b) Building Material Brokers: Every person, firm or corporation, engaged in the brokerage of building materials, shall pay a license tax of, per annum --$50.

(c) Every person, firm, or corporation hauling or delivering lumber or building material in the City of Asheville, not having paid the tax in sub-section (a) and (b) shall pay the following tax:

On each one-ton truck or less ----------$25.
On each truck over one ton ----------$50.
On each two-horse wagon ----------$20.
On each one-horse wagon ----------$10.

BUTCHER SUPPLIES.

Dealers in butcher supplies shall pay a license tax of, each, per annum ----------$50.

BUYING AND SHIPPING OF TELEPHONE POLES, CROSSTIES, LOGS, TAN-BARK, ACID WOOD, OR SIMILAR ARTICLES--OFFICE ONLY

Each, per annum ----------$25.

"C"

CABINET OR FURNITURE REPAIR SHOPS.

Per annum ---------- $15.

CAKES AND CRACKERS.

See "Bakery Products".

CAMERAS AND KODAKS.

Every person, firm, or corporation, selling or renting cameras or kodaks, per annum ----------$ 5.

CANDY MANUFACTURING OR CANDY KITCHENS.

Every person, firm, or corporation manufacturing candy or other confections employing three persons or less, shall pay per annum ----------$25.

Where employing more than three persons, per annum ----------$50.

CANDY.

At wholesale, where twenty (20%) per cent of the business done is the selling of candy, per annum ----------$75.

At wholesale, where less than twenty (20%) per cent of the business done is the selling of candy, per annum ---------- $10.

Every person, firm, or corporation selling candy at retail, where gross sales are less than $500.00 per annum, shall pay a license tax of, per annum---$ 2.

Every person, firm, or corporation selling candy at retail, where gross sales are more than $500.00 per annum, shall pay a license tax of, per annum -----$5.00

On each truck delivering candy or chewing gum or peanut products or other confectioneries, or tobacco products, for concerns which have not paid the wholesale tax herein levied, per annum ----------$25.00

NOT PRORATED.

CANES, LOADED.

See "Bowie Knives".

CANE RACKS.

Racks for canes or knives, each, per day ----------$15.00

CANVASSERS.

Every person, firm, or corporation engaged in the business of canvassing, per annum ----------$ 5.00

NOT PRORATED.

A canvasser shall mean anyone who solicits orders for business or calls from house to house anywhere within the corporate limits of the City of Asheville.

CAP PISTOLS.

See "Fire Works".

CARBIDE MANUFACTURERS OR DISTRIBUTORS.

Every person, firm, or corporation, engaged in the business of manufacturing or selling or distributing carbide, per annum ----------$1[illegible].00

CARNIVAL COMPANIES.

Every person, firm, or corporation, engaged in the business of a carnival company or a show of like kind, moving pictures, and vaudeville shows, museum and menageries, merry-go-rounds, ferris wheels, riding devices, and other like amusements and enterprises, conducted for profit, under the same general management; or an aggregate of shows, amusements, eating places, riding devices, or any of them operating together on the same lot or contiguous lot or streets, traveling from place to place,whether owned and actually operated by separate persons, firms or corporations, or not, filling week-stand engagements, or giving week-stand exhibitions, under canvas or not, or a part of a week, shall pay for the privilege of engaging in such business or amusements, for each week or part of a week, the following tax ----------$2[illegible].00

Provided, before any carnival company shall give any performance or exhibition, or open for the conduct of business within the corporate limits of the City of Asheville, an application in writing shall be made to the City Council, verified by the owner or manager of such carnival company, giving the following information:

The name of the owner of such carnival company, and in the event such owner is a corporation, the state where chartered, and its office or principal place of business, together with names of the officers of such corporations, or if a partnership, the names of all the partners: also, the route for a period of three weeks following the playing in the City of Asheville.

Only one carnival will be licensed to play within the corporate limits of the City during any one month, and in the event of the granting of any license permit, such permit shall authorize only the operation of the exhibition known as "shows" or "rides", and the operation of any gambling games, including "wheels", "stores", or other concessions, are expressly prohibited, and the right is hereby reserved to refuse any and all applications for permits, and in no event will any rebates, reductions from the tax levied be made for any cause or purpose whatsoever.

A cash deposit of fifty dollars will be required for each carnival before "setting up" on lot, to defray the expenses of the Sanitary Department for cleaning up the lot used. The actual cost of cleaning will be charged and a refund will be made in the event of any surplus.

CARPET OR RUG CLEANING.

Per annum ----------$[illegible].00

Where license is paid under "Cleaning or Pressing Club Establishments" tax is not collectible under this section.

CASKETS, COFFINS--DEALERS IN.

Every person, firm, or corporation, engaged in the business of buying, and/or embalming the dead, or in the retail of coffins, caskets, or other funeral supplies, shall pay a license tax of, per annum ----------$100.00

Provided, this section shall not apply to a cabinet-maker who is not an undertaker, who makes coffins or order, nor to licensed embalmers.

CEMENT BLOCKS.

Manufacturers of cement blocks, or pipe manufacturers, each, per annum ----------$25.00

CEREAL MANUFACTURERS.

Every person, firm or corporation, manufacturing cereals, shall pay a license tax of, per annum ----------$25.00

CHAUTAUQUAS AND ENTERTAINMENTS-CHARITABLE.

Per week or part week ----------$20.00

All exhibitions or entertainments given for the sole benefit of religious, charitable or educational objects, shall be exempt from taxation.

Provided, that when operas, chautauquas, star courses, or theatrical troupes, are employed, such as usually appear in licensed halls, then the tax shall be the same as that imposed on traveling theatrical companies performing in unlicensed halls.

Provided, further, that no tax shall be charged for any exhibition or entertainment for the sole benefit of religious, charitable or educational objects, and given in halls used at the time exclusively for such objects, nor for exhibitions given at city parks when no charges for admission are made.

CHAIN AND BRANCH STORES.

Every person, firm, or corporation, engaged in the business of operating or maintaining, under the same general management, supervision, or ownership, two or more stores or mercantile establishments in the State, where goods, wares and/or merchandise are sold, or offered for sale at retail, or wholesale shall be deemed a branch or chain store operator. On each and every such store operated, a license tax shall be paid of, per annum ----------$50.00

"Chain Store" further defined. The term "chain store" as used in this section shall include stores operated under separate charters of incorporation, if there is common ownership of a majority of stock in such separate charters of incorporation, if there is common ownership of a majority of stock in such separately incorporated companies, and/or if there is similarity of name of such separately incorporated companies, and/or if such separately incorporated companies have the benefit in whole or in part of group purchase of merchandise, or of common management. And in like manner the term "chain store" shall apply to any group of stores where a majority interest is owned by an individual or partnership.

CHEMISTS, MANUFACTURER.

Each, per annum ----------$15.00

CHEWING GUM, DEALERS IN.

See "Candy"

CHICKENS, BABY.

Every person, firm, or corporation, selling from their business establishment, any chickens under six weeks of age, shall pay a license tax of, per annum--$10.00

NOT PRORATED.

CHINA AND QUEENSWARE.

Every person, firm, or corporation, engaged in the business of selling china and queensware, shall pay a license tax per annum, as follows:

Where the principal business is from the sale of such articles ----------$25.00
Where the principal business is not from the sale of such articles ----- 5.00

CIGARS, CIGARETTES, AND TOBACCO--RETAILERS AND JOBBERS.

Every person, firm, or corporation, manufacturing cigars, cigarettes, chewing tobacco, smoking tobacco, snuff, or any other tobacco products shapp pay a license tax of, per annum ----------$10.00

Every person, firm, or corporation, engaged in the business of retailing cigars, cigarettes, chewing tobacco, smoking tobacco, snuff, or any other tobacco products, shall pay a license tax of, per annum ----------$ 5.00

Every person, firm or corporation, engaged in the business of retailing, wholesaling, and/or jobbing cigars, cigarettes, chewing tobacco, smoking tobacco, snuff, or any other tobacco products, shall pay a license tax of, per annum ----- $10.00

CIRCUSES.

Every person, firm or corporation, engaged in the business of exhibiting performances, such as a circus, menagerie, wild west show, dog and/or pony show, or any other show, exhibition, or performance similar thereto, shall pay the following tax for each day or part thereof:

(a) Such shows and/or exhibitions traveling on railroads and requiring transportation of:

Not more than two cars	$15.00
Three to five cars, inclusive	22.50
Six to ten cars, inclusive	45.00
Eleven to twenty cars, inclusive	62.50
Twenty-one to thirty cars, inclusive	87.50
Thirty-one to fifty cars, inclusive	125.00
Over fifty cars	150.00

(b) Such shows and/or exhibitions traveling by automobiles, trucks or other vehicles, other than railroad cars, and requiring transportation by:

Not over two vehicles	$ 3.75
Three to five vehicles	5.00
Six to ten vehicles	7.50
Eleven to twenty vehicles	12.50
Twenty to thirty vehicles	22.50
Thirty to fifty vehicles	30.00
Fifty-one to seventy-five vehicles	37.50
Seventy-six to one hundred vehicles	50.00

(c) Each side show, curiosity show, or other similar show, exhibiting on the same or contiguous lots with a circus, the tax shall be, per day or part of a day ---------- $ 7.50

And each separate tent shall be re regarded as a sideshow, and shall pay the license tax hereinbefore provided.

The payment of the foregoing tax shall permit only the exhibition known as the "sideshow", or in circus parlance, the "kid show". Before any permit for the licensing of any circus, manageris, wild west show, or dog and pony show will be given, an application must be amde to the City Manager, which application must show the name and title of the circus or other exhibition, the manager thereof, the owner or operators of the same, and, if a corporation, the principal office or place of business, and the office thereof, and the route of such circus or exhibition for the six days following any performance in Asheville, and if such route is not determined at the time of such application, it must be filed before giving any performance within the City; the number of cars, including "advance cars", the lot upon which the "big top", "cook house", stables, and other tents and equipment will be placed; whether a parate will be given or not; the articles of merchandise to be vended, and the retail price thereof; which application must be sworn to and subscribed before an officer authorized to administer an oath; provided, further, that the tax shall be based on the report of the State Treasurer or an actual court of cars by the Director of Finance and the payment of a license on the main and sideshows shall not authorize or permit the operation or the sale of any concession, soft drinks, or other merchandose without payment of the tax specifically designated herein upon such sales, and the sale of any and all foodstuffs shall be under the supervision of the Health and Sanitary Departments, and all ordinances regulating the handling of food shall apply to sales by any circus, their servants, agents, employees, or concessionaries.

Provided, further, that a cash deposit of fifty ($50.00) dollars will be required from each circus or exhibition before "setting up" on lot, to defray the expense of the Sanitary Department for cleaning up on the lot used. The actual cost of such cleaning will be charged and refund will be made in the event of any surplus. A deposit to cover cost of water used from the city supply will be required in accordance with the size of the circus.

CLAIM OF COLLECTION AGENCIES.

Every person, firm, corporation or association engaged in the business of operating a collection agency for the purpose of collecting accounts, bills, notes, or any other indebtedness from one person, firm or corporation in favor of another, shall pay a license tax of, per annum ----------$20.00

Provided, that this section shall not apply to a regularly licensed practicing attorney-at-law.

CLEANING AND PRESSING ESTABLISHMENTS.

See "Pressing Clubs".

CLEANERS OR DYERS OF HATS.

See "Pressing Clubs".

CLOTHING MERCHANTS.

Men's and Boys' Apparel.

Every person, firm or corporation selling men's and boys' apparel at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually	$5.00
2,000 and less than 5,000	10.00
5,000 and less than 10,000	15.00
10,000 and less than 15,000	20.00
15,000 and less than 25,000	25.00
25,000 and less than 35,000	30.00
35,000 and less than 50,000	40.00
50,000 and less than 75,000	50.00
75,000 and over	75.00

CLOTHING MERCHANTS.

Women's, Misses'and Girls' Apparel.

Every person, firm, or corporation selling women's, misses' and girls' apparel at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually	$ 5.00
2,000 and less than 5,000	10.00
5,000 and less than 10,000	15.00
10,000 and less than 15,000	20.00
15,000 and less than 25,000	25,00
25,000 and less thsn 35,000	30.00
35,000 and less than 50,000	40.00
50,000 and less than 75,000	50.00
75,000 and over	75.00

CLOTHING--SECOND-HAND.

Dealers in second-hand clothing shall pay a license tax of, per annum --25.00
Provided, that all such dealers shall secure a permit from the Health Officer.

COAL AND COKE DEALERS.

(a) Wholesale: Every person, firm, or corporation, either as agent or principal, engaged in and conducting the business of selling coal or coke in carload lots, or in greater quantities, shall be deemed a wholesale dealer, and shall pay a license tax of, per annum ----------$75.00

Provided, that if such wholesale dealer shall also sell coal or coke, in less than carload, he shall not be subject to the retailers' license tax provided in sub-section (b) hereof.

(b) Retail: Every person, firm or corporation, either as agent or principal, engaged in and conducting the business of selling or delivering coal or coke at retail within the corporate limits of the City of Asheville shall pay a license tax per annum of ---------- $75.00

Provided, however, that dealers or peddlers in coal who sell in quantities of not more than five hundred pounds shall pay a license tax of, per annum ---$ 5.00

NOT PRORATED.

COCA-COLA, BOTTLING WORKS, MERCHANTS OF.

See "Bottling Works".

COFFEE

See "Tea, Coffee, and Sugar".

COFFEE ROASTERS.

Every person, firm or corporation, engaged in operating one or more coffee roasting machines, shall pay a license tax of, per annum ----------$25.00

COFFINS, CASKETS--DEALERS IN.

See "Caskets, Coffins, Dealers in".

COLD STORAGE WAREHOUSES.

On each person, firm or corporation, operating a warehouse where cold storage is furnished for any purpose, a license shall be paid, per annum ----------$125.00

Where this tax is paid on other warehouse tax shall be paid.

COMMERCIAL AGENTS.

Each, per annum ----------$25.00

COMMISSION BUYERS AND SELLERS.

Every person, firm or corporation, who or which engages in the business of buying and/or selling on commission any cotton, grain, provisions, or other commodities, either for actual, spot, or instant delivery, shall pay a license tax of, per annum ----------$50.00

CONTRACTORS AND CONSTRUCTION COMPANIES.

(a) Every person, firm, or corporation who, for a fixed price, commission, fee, or wage, offers or bids to construct within the City of Asheville any building, highway, street, sidewalk, bridge, culvert, sewer, water or drainage system, electric or steam railway, reservoir, or dam hydraulic or power plant, transmission line or tower, excavation, or grading or other improvement or structure, or any part thereof, shall pay a license tax of, per annum ----------$10.00

(b) ELECTRICIANS. Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public as an electrician shall pay a license tax of, per annum ----------$20.00

Provided, where only one additional person employed tax shall be- 10.00

(c) PAINTERS. Every person, firm or corporation who for a fixed price, commission fee or wage engages in the business with the general public as a painter shall pay a license tax of, per annum ----------$1 .00
And shall pay for each additional workmen, per annum ----------$ 2.00
Provided, however, that itinerant smokestack and structural steel painters shall pay a license tax of:

Per annum ----------$15.00
Per month ---------- 2.50

(d)PLASTERERS:

Every person, firm or corporation who for a fixed price,commission, fee or wage engages in the business with the general public as a plasterer, shall pay a license tax of, per annum ---------- $10.00

(e) PLUMBERS. Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public for plumbing, heating, sprinkler and gas fitting shall pay a license tax of, per annum ----------$20.00

Provided, that when a licensed plumber employs only one additional person the tax shall be one-half, ($10.00).

(f) Sheet Metal Workers. Every person, firm or corporation who for a fixed price, commission, fee or wage engages in the business with the general public, doing sheet metal, tinning, roofing, ventilating work or operating a tin shop, shall pay a license tax as follows:

If not more than six persons are employed, per annum ----------$-25.00

Over six persons employed, per annum ----------$30.00

(g) Wreckers. Every person, firm or corporation who for a fixed price, commission fee or wage engages in the business with the general public of demolishing, wrecking or tearing down any house or building, shall pay a license tax of, per annum ----------$25.00

(h) Miscellaneous Contractors: Every person engaged in business as contractor, and not otherwise specifically taxed by this article, shall pay a license tax of, per annum ----------$15.00

Provided, that no person, firm or corporation doing business under any or all of these sections from a to h herein specified, shall be granted any permit and no inspection shall be made where such permit or inspection is required, unless such person, firm or corporation have paid their City Privilege License as herein specified.

COTTON BROKERS.

See "Brokers, Cotton".

COTTON MILLS.

Every person, firm or corporation, operating a cotton mill, shall pay a license tax of, per annum ----------$150.00

COUPON BOOKS.

Every person, firm or corporation, issuing, selling and,or delivering books or other similar devices containing coupons or tokens of trade which may be presented at any business house and accepted as a discount, bonus premium, or as an instrument to secure trade or patronage, shall pay a license tax of, per annum ----------$200.00

CREAMERIES, DAIRIES, AND MILK PASTEURIZERS.

(a) Each establishment shall pay a license tax of, per annum ------- $200.00

(b) On each motor vehicle hauling or delivering milk products at retail or wholesale, a license tax shall be paid of, per annum ----------$ 15.00

(c) On each horse-drawn vehicle, a license tax shall be paid of, per annum ---------- $ 7.50

Provided, that where the $200.00 license is paid under sub-section (a) the taxes under sub-section (b) and (c) are not collectible.

"D"

DANCES.

Every person, firm or corporation, operating a dance hall where admission is charged, or where a charge per dance is made, in the City of Asheville, shall pay a license tax of, per annum ----------$ 25.00

Where the annual license tax is not paid, per dance ---------- $ 3.00

This tax shall apply to any place where dances are given, regardless of whether other tax is paid or for what purpose the proceeds are to be used.

DANCING SCHOOLS.

Every person, firm or corporation, operating a dancing school, or place for giving instruction in dancing, shall pay a license tax of, per annum -----$10.00

DECORATORS.

Every person, firm or corporation, placing decorations or buntings on buildings, streets, or other places, for compensation, shall pay a license tax of:

Resident ----------$15.00
Itinerant ---------- 75.00

NOT PRORATED.

DECORATORS, INTERIOR.

See "Interior Decorators".

DELICATESSENS.

Every person, firm or corporation, operating a delicatessen stand, shall pay a license tax of, per annum ----------$25.00

However, if restaurant service is given, a tax shall be paid as herein provided for restaurants.

DELIVERY AGENCIES.

Parcel or delivery companies shall pay a license tax, where automobiles or trucks are used, of per annum ----------$50.00

Provided, however, that persons, firms or corporations, delivering packages, parcels or bundles, by motorcycle, and charging for such service, shall pay a license tax of, per annum ---------- $30.00

Provided, further, that persons, firms, or corporations, delivering packages, parcels, bundles, and charging for such service and using bicycles, or delivering by other means, shall pay a license tax of, per annum ---------- $15.00

DENTAL SUPPLIES OR EQUIPMENT.

Every person, firm or corporation, selling, distributing, and/or jobbing, dental supplies, shall pay a license tax of, per annum ----------$50.00

Provided, however, that the provisions of this section shall not apply to licensed drug stores or licensed dentists.

DENTISTS.

Exempt by State Statutes.

DETECTIVE AGENCIES.

Each, per annum ----------$20.00

Each employee of any agency, per annum ---------- 5.00

DEVICES, TRADING STAMPS, ETC.

On every person, firm, or corporation, engaged in the business of issuing, selling, and/or delivering trading stamps or checks, receipts, certificates, tokens or other similar devices, or persons engaged in trade or business with the understanding or agreement expressed or implied that the same shall be presented or given by the latter to their patrons as a discount, bonus premium or as an inducement to secure trade or patronage, and that the person, firm or corporation, selling, and/or delivering the same will give the persons presenting or promising the same, money or thing of value, or any commission or preferance in any way on account of possession or presentation thereof, license tax of, per annum -----$200.00

(a) This section shall not be construed to apply to a manufacturer or to a merchant who sells the goods, wates, or merchandise of such manufacturer offering to present to the purchaser or customer a gift of certain value as an inducement to purchase such goods, wates or merchandise.

DIRECTORIES.

Every person, firm or corporation, compiling, selling, or delivering city directories, shall pay a license tax of, per annum ----------$ 25.00

DOGS. (THREE MONTHS OLD OR OVER)

Each, per annum (male and spaded female) ---------- 1.00

Each, per annum (female)---------- 2.50

Duplicate tags each ---------- .10

All dogs running at large in a public place between May 1 and October 1st shall be muzzled or on a leash.

Provided, that any dog caught on the streets of the City of Asheville, without a City License, shall be impounded and impounding fee of $1.00 shall be paid, in addition to the license as prescribed in this ordinance, and if the dog is not called for within five days, the owner shall have no claim on said dog.

If the licenses on dogs are not paid within five days from the date of notice, the owner will be subject to a simmons to the Police Court of the City of Asheville.

The City Tax Office, upon positive identification of any dog biting any person, shall notify the owner to confine said dog at a licensed veterinarian for fifteen days.

Seven dogs or more, see "Kennels".

DOUGHNUTS.

All Brown Bobby, or doughnut machine, each per annum ----------$10.00

DRUG STORE LUNCHES.

See "Restaurants".

DRY GOODS AND/OR NOTIONS, SHOES OR GROCERIES AT WHOLESALE.

Every person, firm or corporation selling dry goods, and/or notions, shoes or groceries at wholesale, shall pay a license tax of, per annum -------$25.00

DYERS.

See "Pressing Clubs".

"E"

EGGS.

See "Poultry and Eggs".

ELECTRICAL ENGINEERS.

Exempt by State Statutes.

ELECTRICAL EQUIPMENT, FIXTURES OR SUPPLIES.

Every person, firm or corporation, selling or distributing any electrical equipment, supplies, or fixtures, where the principal business done is electrical equipment, fixtures, or supplies, shall pay a license tax of, per annum ----------$-25.00

Where the principal business done is not from the sale of electrical equipment, fixtures, or supplies, a tax of, per annum ----------$ 10.00

ELECTRICAL CONTRACTORS, PLUMBERS, STEAM AND GAS FITTERS.

See "Contractors".

ELECTRIC LIGHT COMPANIES.

On every electric light company, power company, gas company, or street railway company, doing business or having an office within the City, an annual license tax of one per cent on the gross receipts of its said business shall be paid.

ELECTRIC SIGNS.

Every person, firm or corporation, selling, making, or distributing electric signs, shall pay a license tax of, per annum ----------$ 25.00

ELECTRICAL EQUIPMENT, FIXTURES OR SUPPLIES.

Every person, firm or corporation, selling or distributing any electrical equipment, supplies, or fixtures, where the principal business done is electrical equipment, fixtures, or supplies, shall pay a license tax of, per annum ---------- $25.00

Where the principal business done is not from the sale of electrical equipment, fixtures, or supplies, a tax of, per annum ---------- $10.00

ELECTRICAL CONTRACTORS, PLUMBERS, STEAM AND GAS FITTERS.

See "Contractors".

ELECTRIC LIGHT COMPANIES.

On every electric light company, power company, gas company, or street railway company, doing business or having an office within the City, an annual license tax of one per cent on the gross receipts of its said business shall be paid.

ELECTRIC SIGNS.

Every person, firm or corporation, selling, making, or distributing electric signs, shall pay a license tax of, per annum ---------- $ 25.00

ELEVATORS AND/OR SPRINKLER SYSTEMS.

Every person, firm or corporation engaged in the business of selling or repairing or servicing or equipping or installing elevators, shall pay a license tax of, per annum ---------- $ 50.00

EMBALMERS.

Exempt by State Statutes.

EMPLOYMENT AGENTS AND AGENCIES.

(a) Emigrant Agents: Every emigrant agent or person engaged in the business of procuring laborers for employment outside of Buncombe County, shall pay a license tax of, per annum ---------- $ 100.00

NOT PRORATED.

Provided, that such tax shall not apply to any resident person for taking laborers to some place outside of Buncombe County for the purpose of using them for his own employment.

(b) Employment Agencies: Every person engaged in the business of operating any agency for employing cooks, house servants, office help, teachers, laborers, or persons for any employment whatsoever, and making a charge for the services rendered, shall pay a license tax of, per annum ---------- $ 100.00

NOT PRODATED.

ENGINEERS, CIVIL.

Exempt by State Statutes.

ENGRAVING OR LITHOGRAPHING ESTABLISHMENTS OR SHOPS.

Each, per annum ---------- $25.00

ENTERTAINMENTS, OPERAS, CHAUTAUQUAS, STAR COURSES OR THREATRICAL TROUPES.

Such as usually appear in licensed halls, tents, or theatres, employed by or for charitable, religious, benevolent, or educational purposes, shall pay a license tax of, for each day or part of day's exhibition, or performance---- $25.00

Provided, however, that if such chautauquas, operas, star course, theatrical troupe, or entertainment, shall contain a State License Tax, as provided, under Section 103, sub-section G of the 1937 Revenue Act, shall pay a license tax of, for each week or part thereof ---------- $20.00

EXPLOSIVES.

Every person, firm or corporation, selling and/or distributing dynamite, powder, or other explosives, shall pay a license tax of, per annum ---------- $100.00

EXPRESS COMPANIES.

(a) Every person, firm or corporation, domestic or foreign, engaged in the business of an express company, as defined in the 1937 Revenue Act, shall pay for the privilege of doing such business within the municipal limits, a license tax of, per annum ---------- $ 75.00

When this license is paid the license tax under trucks in Section (b) is not collectible.

(b) Every person, firm or corporation, hauling or delivering express within the corporate limits of the City of Asheville, shall pay an annua. license tax as follows:

On each motor vehicle of one ton capacity or less ---------- $25.00
On each motor vehicle of more than one ton capacity and not more than two ---------- $35.00
On each motor vehicle over two ton capacity ---------- $40.00

EXHIBITIONS OR EXHIBITS NOT SPECIFICALLY TAXED HEREIN.

Per day ---------- 7.50
Per week ---------- [illegible]

"F"

FACTORIES, BARREL, CRATE, BASKET.

See "Barrel Factories".

FACTORIES, BOX.

See "Box Factories".

FARM PRODUCTS.

See "Fruits and Produce."

FEATHER RENOVATORS.

Each, per annum ---------- $25.00

FERRIS WHEELS.

See "Riding Devices".

FERTILIZER DEALERS.

Every person, firm or corporation or their agents selling, delivering or distributing fertilizer or plant food, shall pay a license tax of each, per annum ---------- $25.00

Mixers or manufacturers of fertilizers, shall pay a license tax of, per annum ---------- $150.00

NOT PRORATED.

Provided, however, only the latter shall be collected from a manufacturer who is also a dealer.

FILLING STATIONS.

See "Automobile Service Stations."

FILMS, MANUFACTURERS, SELLING OR LEASING.

Exempt by State Statutes.

FINANCE COMPANIES, AUTOMOBILES.

See "Automobile Dealers". Sub-section (1)

FIRE INSURANCE COMPANIES.

Exempt by State Statutes.

FIREWORKS.

Prohibited by State Statutes.

FISH, ORNAMENTAL.

Every person, firm or corporation, selling gold, silver, or other ornamental fish, alive, for use in an aquarium, bowls, or other ornamental purposes shall pay a license tax of, per annum ---------- $ 10.00

This tax shall not be collected when a pet shop license is obtained.

FISH, PEDDLERS OF.

Prohibited.

FISH AND OYSTER DEALERS.

Each, per annum ---------- $ 25.00

Provided, that all dealers in fish and oysters shall secure a permit from the Health Officer.

FIVE AND TEN CENT STORES.

Every person, firm or corporation, engaged in the operation of a business

commonly known and designated as a "Five and Ten Cent Store", or where the majority of the articles of merchandise are offered for sale and are priced at less than one dollar, shall pay a license tax of, per annum ----------$300.00

Provided, where this tax of $300.00 is paid the "Chain Store" license tax, and all other license taxes levied by this ordinance on individual items, shall not be collectible, but otherwise, "Chain Store" tax and all of the other individual items shall be collectible.

FLAGS, ITINERANTS SELLING.

See "Balloons".

FLOOR FINISHERS.

Floor finishers using electrically operated machinery, shall pay a license tax of, per annum ----------$ 10.00

FLORISTS.

(a) On every person, firm or corporation, operating or maintaining a shop or store for the sale of flowers or ornamental plants, a license tax shall be paid of, per annum ----------$ 50.00

Provided, that if any person, firm or corporation shall do an annual business of less than $2,500.00 and more than $1,500.00 the license tax on such business shall be ---------- $ 35.00

Provided, where such annual business is less than $1,500.00, a license tax of, per annum ----------$20.00

(b) On every person, firm or corporation, operating or maintaining a wagon or truck for the sale of flowers, or ornamental plants on the streets of the city, and not paying the foregoing tax, on each truck or wagon, shall pay a license tax of, per annum ----------$25.00

(c) On every person selling flowers, or ornamental plants or Christmas trees, shall pay a license tax of, per annum ---------- $ 7.50

The foregoing tax shall NOT BE PRORATED.

Provided, however, that in the case of the sale of uncultivated, wild flowers, obtained from the woods and fields of Western North Carolina, no tax shall be collected.

Sale of flowers and ornamental plants on sidewalks and street hereinafter enumerated expressly Prohibited: On Pack Square, Patton Avenue and Pack Square to Coxe Street; Haywood Street from Patton Avenue to south property line of Municipal Auditorium; Wall Street; Battery Park Place; College Street from Patton Avenue to Lexington Avenue, Lexington Avenue from College Street to Patton Avenue.

FLOUR AND/OR GRIST MILLS.

Every person, firm or corporation operating a flour and/or grist mill, shall pay a license tax of, per annum ----------$50.00

Provided, where small grist mills grinding corn only, shall pay a license tax of, per annum ---------- $10.00

FLOUR, MEAL AND FEED STORES.

Every person, firm or corporation whose principal business is the selling of flour, meal and/or feed at wholesale or retail shall pay a license tax of, per annum ----------$ 25.00

PROVIDED, where retail grocery stores or other retail establishments, whose principal business is not the selling of feed, the tax shall be, per annum on feed ----------$ 5.00

FLYING-JENNY OR MERRY-GO-ROUND.

See "Riding Devices".

FORTUNE TELLERS.

See "Gypsies and Fortune Tellers".

FOUNDRIES AND MACHINE SHOPS.

Each, per annum ----------$50.00

Foundries or machine shops buying or selling old scrap brass, copper, or lead, are hereby required to keep the same records as are required of junk dealers.

FOUNTAINS, SODA.

Every person, firm or corporation, engaged in the business of operating a soda fountain or soft drink stand, shall pay a license tax as follows:

On each carbonated draft arm of each soda fountain, per annum ---$ 5.00

FRANCHISES, SPECIAL.

See "Automobile Service Stations on Sidewalks or Streets".

FRATERNAL INSURANCE ORDERS.

Exempt by State Statutes.

FRUIT PEDDLERS.

See "Fruit and Produce"

FRUIT STANDS.

When the principal articles of sale are fruits and/or vegetables, at retail, a license tax shall be paid, of per annum ----------$10.00

FRUITS AND PRODUCE--WHOLESALE.

(a) Every person, firm or corporation, who maintains a permanent place of business for the purpose of selling at wholesale, fresh fruits, vegetables, and produce, in the City of Asheville, shall pay a license tax of, per annum ------$50.00

This tax shall not apply to farmers selling or offering for sale fresh fruits, vegetables, or farm products grown by seller.

The annual city license tax must be applied for and secured in advance before offering any of the above products for sale in the City of Asheville. This license cannot be prorated.

FUEL OIL.

Every person, firm, or corporation, engaged in the business of selling fuel oil at wholesale or retail, shall pay a license tax of, per annum --------$25.00

FUR CLOTHING DEALERS.

(a) Every person, firm or corporation, selling either fur coats, chokers, fur scarfs, or other articles made in whole or in part out of fur, where 75 per cent of the gross sales or stock of merchandise carried consists of fur articles, shall pay a license tax of, per annum ----------$50.00

(b) Every person, firm or corporation, engaged in the business of remodeling, repairing, or storing furs, employing two helpers or less, per annum -----$15.00

Employing more than two helpers, per annum ----------$25.00

FURS--HIDES EXCEPTED.

Dealers in green or raw furs, each, per annum ---------- $25.00

FURNACES, DEALERS IN.

Every person, firm or corporation selling or distributing, or repairing, furnaces, or boilers, shall pay a license tax of, per annum ----------$50.00

FURNITURE STORES.

Every person, firm or corporation selling furniture, new or second-hand, at retail, having floor space of:

2,000 sq. ft. or less, ro 4,000 sq. ft. per annum ----------	$15.00
4,000 sq. ft. to 6,000 sq. ft. per annum ----------	25.00
6,000 sq. ft. to 8,000 sq. ft. per annum ----------	40.00
8,000 sq. ft. to 10,000 sq. ft. per annum ----------	60.00
10,000 sq. ft. and over, per annum ----------	80.00

At wholesale, per annum ---------- 150.00

Provided, however, that where any person, firm or corporation, operates a business not dealing with furniture exclusively, a tax shall be paid on the floor space devoted to the sale of furniture, but in no case shall the license tax be less than $15.00 per annum.

Every person, firm or corporation buying or exchanging used furniture, shall, before beginning business, secure a permit from the Health Officer.

GALLERIES, SHOOTING.

Each, per annum ----------$ 5.00

NOT PRORATED.

GAMES.

Games for sport or play, including boxing and wrestling matches, operated for profit, not herein specifically licensed, each exhibition or game---$ 5.00

The foregoing shall not be collected from inter-scholastic or inter-collegiate athletic contests or baseball games.

GAS COMPANIES.

See "Electric Light Companies".

GASOLINE OR OIL PIPE LINES--ANNUAL.

Laid in or across any public street, sidewalk, or alley, a tax of 10 cents per lineal foot of such pipe line.

Provided, however, that no such pipe line shall be laid without first obtaining a license or permit by the City Manager, which license or permit may be granted or refused in the discretion of the Council, in the interest of public safety or convenience.

GIFT AND SOUVENIR SHOPS.

Every person, firm or corporation, engaged in the business of operating a gift or souvenir shop, shall pay a license tax of per annum ----------$10.00

GINGERALE, BOTTLING, OR WHOLESALE DEALERS.

See "Bottling Works".

GLASS.

Every person, firm or corporation, selling or distributing glass, shall pay a license tax of:

At wholesale, per annum ----------$100.00
At retail, per annum ---------- 50.00

GOLF, MINIATURE.

Per annum ----------$ 10.00

GOODS, WARES, AND MERCHANDISE--PEDDLING OF.

(a) Any person, firm or corporation, who or which shall carry from place to place any goods, wares or merchandise, and offer to sell or barter the same, or actually sells or barters the same, shall be deemed a peddler, and shall apply for and procure from the collector of special license taxes a municipal license for the privilege of transacting such business license the following annual tax:

Peddling on foot, per annum ----------$ 5.00

Peddling with horse drawn vehicles, per annum ---------- $ 7.50

Peddling with passenger cars or small trucks made from passenger cars, per annum ----------$ 7.50

Small two wheel trailers drawn by truck or automobile, per annum ----------$ 7.50

Trucks of one-half ton capacity, per annum ----------$10.00
Trucks of more than half ton and not over one ton capacity, per annum ---------- $15.00

Trucks of one and one-half ton capacity, per annum ---------- $20.00

Trucks, trailers and semi-trailers of more than one and one-half ton capacity, per annum ---------- $25.00

Provided. Where the annual license tax has not been paid a license tax per load shall be collected as follows:

Upon trucks and cars of less than one-half ton capacity ---------- $ 1.00

Upon trucks of one-half ton capacity ---------- $ 2.00

Upon trucks of one ton capacity ----------$ 3.00
Upon trucks of one and one-half ton capacity ---------- $ 4.00

Upon trucks, trailers and semi-trailers of more than one and one-half ton capacity ---------- $ 5.00

Any person, firm, or corporation employing the service of another as a peddler, whether on a salary or on a commission basis, shall be liable for the payment of taxes levied in this section.

Any person, firm, or corporation employing the service of another as a peddler, whether on a salary or on a commission basis, shall be liable for the payment of taxes levied in this section.

(b) Any person, firm or corporation, who or which sells or offers to sell, from a cart, wagon, truck, automobile, or other vehicle, operated over and upon the streets within the City, any fresh fruits and/or vegetables shall be deemed a peddler within the meaning of this section, and shall pay the annual license tax levied in sub-section (a) of this section with reference to the character of vehicle employed.

(c) Any person, firm or corporation, who or which sells or offers for sale, from any railway car, fresh fruits and/or vegetables, shall be deemed a peddler within the meaning of this section and shall pay an annual license tax of ---------- $ 25.00

Nothing in this section shall apply to the sale of farm products raised on the premises owned or occupied by the person, firm or corporation, his or its bona-fide agent, or employees, selling the same.

Provided, however, before any person, firm or corporation who or which sells or offers for sale any fruits or farm produce upon any street, sidewalk or alley, or from any railroad car, such person shall apply to the tax collector of the City of Asheville for a peddling permit, filing affidavit, sworn to and subscribed before a person authorized to administer oaths by the Laws of the State of North Carolina, swearing to the fact that all farm products to be sold during the tax year have or will be grown on premises owned or occupied by the person, firm or corporation, his or its bona-fide agent or employees selling the same, with description and location of the premises on which such farm produce or fruits has been grown or will be grown, mail address, and any other information which may be required from such person with reference to such raising or selling of the same. And, if entitled to sell such farm produce without the payment of a license tax herein provided, the tax collector shall issue a permit for such sales and, if liable, such permit shall not be issued until the tax prescribed herein shall have been paid in full. City employees are prohibited from verifying any affidavit.

(d) Every person, firm or corporation not being a regular merchant in the City of Asheville, who shall display samples, goods, wares or merchandise in any hotel room, for the purpose of securing orders for the sale of such goods, wares or merchandise, bankrupt stock or fire stock, shall apply for in advance and procure a license from the collector of special license taxes for the privilege of transacting such business, and shall pay for such license tax of, per annum ----------$100.00

(e) The provisions of this section shall not apply to any person, firm or corporation who or which sells or offers for sale books, periodicals, printed music, ice, coal, wood for fuel, fish, beef, mutton, pork, bread, cakes, pies, products of the dairy, or articles of their own manufacture, but shall apply to medicine, drugs, or articles assembled.

Provided, the exceptions contained in this section shall not allow or permit the sale or barter of any article of merchandise of any kind which is now prohibited or regulated by any other ordinance of the City of Asheville.

(f) Exceptions: Whenever the Board of Commissioners of Buncombe County, upon proper application, exempts from the provisions of this section Confederate soldiers, disabled veterans of the Spanish-American War, disabled soldiers of the World War, who have been bona-fide residents of the State for twelve or more months continually, and the blind, who have been bona-fide residents of the State for twelve or more months continually, widows with children, and such persons present to the collector of special license taxes of the City of Asheville a certified copy of such exemptions by said Board of County Commissioners, and such certificate shall entitle the holder thereof to peddle within the limits of said County without the payment of any license tax to the city, such persons shall be entitled to peddle within the corporate limits of the City of Asheville by reason of such exemptions; provided, however, that such exemption relieves only the holder thereof of the payment of the license tax herein imposed on persons not exempted, but all other ordinances of the City of Asheville, with reference to the sale of goods, wares and merchandise, shall apply to the persons so exempted.

NOT PRORATED.

GRADING, PAVING, SIDEWALKS, SEWER OR STORM SEWERS.

See "Contractors and Construction Companies".

GRAPHOPHONES, PHONOGRAPHS, OR TALKING MACHINES.

See "Organs, Pianos, and Phonographs".

GRAVEL.

See "Building Materials".

GUN AND LOCKSMITHS.

Each, per annum ----------$10.00

GYPSIES AND FORTUNE TELLERS.

For Gypsies or strolling bands, and persons living in wagons, tents, or otherwise, trading in horses, mules or other things of value, and pretending to tell fortunes ----------$200.00

Persons other than Gypsies, receiving reward for pretending to tell fortunes ----------$200.00

"H"

HAIRDRESSERS.

See "Barber Shops, etc."

HARDWARE DEALERS.

Every person, firm or corporation engaged in the business of selling hardware, shall pay a license tax, per annum, as follows:

Where the principal business is derived from the sale of hardware---$25.00
Where the principal business is not derived from the sale of hardware ---------- $ 5.00

HARNESS OR SHOE REPAIRERS OR MANUFACTURERS.

Each itinerant	$100.00
Each resident employing no workman	5.00
Each resident employing one workman	7.00
Each resident employing two workmen	9.00
Each resident employing three workmen	15.00
Each resident employing four workmen	24.00
Each resident employing five or more workmen	35.00

HAT CLEANERS OR DYERS.

See "Pressing Clubs".

HATCHERY.

Every person, firm or corporation engaged in the business of operating a chicken hatchery, shall pay a license tax of, per annum ---------- $25.00

HATS

See "Millinery".

HEALING--PROFESSIONAL ART.

Exempt by State Statutes.

HIDE DEALERS.

Each, per annum ---------- $150.00

HORSES, MULES, AND PONIES--DEALERS IN.

Every person, firm or corporation, engaged in the business of buying and selling horses and/or mules and/or ponies, shall pay a license of, per annum, as follows:

(a) Any person who, for the last three years continuously, has listed poll or property tax, shall pay:

For the first carload	$ 10.00
For each additional carload	5.00

(b) Any person, who, for the last three years continuously, has not listed poll or property tax, shall pay:

For the first carload	$ 50.00
For each additional carload	$ 10.00

HOSPITAL SUPPLIES--DEALERS IN.

Every person, firm or corporation engaged in the business of selling or distributing hospital supplies shall pay a license tax of, per annum -------$40.00

Provided, however, the tax shall not be collected from persons, firms or corporations operating a drug store.

HOTELS.

Every person, firm or corporation engaged in the operation of any hotel, shall pay the following tax, per annum:

(a) American Plan: For hotels operating on the American Plan for rooms in which rates per day are:

Less than $2.00	.30
2.00 and less than 3.00	.45
3.00 and less than 4.50	.90
4.50 and less than 6.00	2.10
6.00 and less than 7.50	2.70
7.50 and less than 15.00	3.00
over 15.00	3.60

(b) European Plan: For hotels operating on the European Plan, for rooms in which rates per day are:

Less than $2.00	$ .60
2.00 and less than 3.00	1.50
3.00 and less than 4.50	2.25
4.50 and less than 6.00	2.75
6.00 and less than 7.50	3.25
7.50 and less than 10.00	3.75
over 10.00	4.25

Provided, however, the office, dining room, parlor, kitchen and two other rooms shall not be counted when calculating the number of rooms in the hotel.

HOTEL AND RESTAURANT EQUIPMENT--DEALING IN.

Every person, firm or corporation engaged in the business of selling or distributing equipment for hotels or restaurants, whether for the culinary or other departments, shall pay a license tax of, per annum ----------$ 50.00

HOUSE MOVING, WRECKING HOUSES OR OTHER STRUCTURES.

Every person, firm or corporation engaged in the business of moving, demolishing, or wrecking houses or other structures, shall pay a license tax of, per annum ---------- $ 25.00

HYPNOTISTS.

Prohibited.

"I"

ICE CREAM--ITINERANTS SELLING.

See "Balloons".

ICE CREAM--RETAIL MANUFACTURER OR WHOLESALE DEALERS.

(a) Each retail dealer, per annum ----------$ 2.50

PROVIDED, that a retail tax shall not be collected from restaurants or drug stores who have paid the prescribed tax.

(b) Every person, firm or corporation engaging in the business of manufacturing or distributing ice cream at wholesale, shall pay a tax of one-eighth (1/8) of a cent for each gallon manufactured, sold, and/or distributed. Reports shall be made to the Director of Finance on such form as he may approve on the 1st day of December and 31st day of May of each tax year, covering all such gross sales during the six months' period, said tax of one-eighth (1/8) of a cent per gallon, shall be paid within and at the time of making said reports. For the purpose of this section, the words "ice cream" shall apply to ice cream, frozen custards, sherbits, water ices and/or similar frozen products.

(c) Ice cream peddlers, shall pay a license tax of, per annum ----$25.00

License issued, subject to approval and supervision of the Health Department and before party making application can be granted a license, it will be necessary to have a written statement from the Health Officer that the proposed method of handling ice cream is approved by him.

For the purpose of this section, the words "ice cream" shall apply to ice cream, frozen custards, sherbets, water ice, and/or similar frozen products.

ICE DELIVERY SERVICE.

"Every person, firm or corporation selling and/or delivering ice which has been purchased from a manufacturer who has paid the ice manufacturer's license, the tax shall be on each vehicle, per annum ----------$10.00

"Every person, firm or corporation selling and/or delivering ice which has been purchased from a manufacturer who has not paid the ice manufacturer's license, the tax shall be per vehicle, per annum ----------$ 10.00

On each retail depot without electric refrigeration, a license tax shall be paid of, per annum ----------$10.50

ICE MANUFACTURERS OR DEALERS.

Any person, firm or corporation, manufacturing ice, shall pay a license tax of, per annum ----------$300.00

PROVIDED, that where the manufacturing plant is outside of the City but the business is selling and delivering within the City, shall pay a license tax of, per annum ----------$300.00

NOT PRORATED.

IMPLEMENTS.

See "Agricultural Implements and Machinery".

INSURANCE AGENTS.

Exempt by State Statutes.

INSURANCE FIRE COMPANIES.

Exempt by State Statutes.

INSURANCE FIRE ADJUSTERS.

Exempt by State Statutes.

INSURANCE--FRATERNAL ORDERS.

Exempt by State Statutes.

INSURANCE--TITLE.

See "Title Insurance".

INTERIOR DECORATING AND WALL-PAPER HANGING.

Every person, firm or corporation engaged in the business of paper-hanging, or engaged in the business of interior decorating, shall pay a license tax, as follows:

Wall-paper hanging, per annum ---------- $10.00
Interior decorating per annum ---------- 10.00

Interior decorating does not include painting or wall-paper hanging.

"J"

JEWELRY.

Every person, firm or corporation operating a jewelry store, or shop, or selling plated and silverware, shall pay a license tax of, per annum --------$45.00

Every person, firm or corporation having a jewelry department, or selling plated or silverware, but not engaged principally in the sale of jewelry, or plated or silverware, shall pay a licenze tax of, per annum ----------$10.00

JEWELRY STANDS.

Every person, firm or corporation making key rings, tags, etc., in any place other than a building for such purposes, shall pay a license tax of, per annum ---------- $10.00

NOT PRORATED.

PROVIDED, that no person shall be allowed to make jewelry, key rings, tags, and trinklets upon public property or on the streets, sidewalks, or alley-ways of the City.

JEWELRY REPAIR SHOPS--OR WATCHMAKERS.

Every person, firm or corporation operating a jewelry or watch repair shop shall pay a license tax of, per annum ----------$ 5.00

PROVIDED, that where a jewelry shop or store pays a jewelry tax, no tax shall be collected hereunder.

JUNK DEALERS.

Every person, firm or corporation, buying or selling junk, shall pay a license of, on each place of business, per annum ----------$ 200.00

Each wagon or truck collecting junk, per annum ----------$ 50.00

Any person, firm or corporation, desiring a license hereunder, must first make application in person to the City Manager, and will be required to furnish justified bond in the sum of $1,000.00 conditioned according to the City Ordinance applicable thereto.

"K"

KENNELS, DOGS.

Per annum ----------$ 50.00

The keeping of seven or more dogs, including pups over three months old, on the same premises, shall sonstitute the keeping of a kennel.

KNIFE OR CANE RACKS.

See "Cane Racks".

KNIVES.

"See "Bowie Knives."

KNUCKLES, BRASS.

"See Bowie Knives."

KODAKS.

See "Cameras".

"L"

LABOR AGENTS, EMIGRATION.

(a) Every person, firm or corporation, either as agent or principal, engaged in soliciting, hiring, and/or contracting with laborers, male or female, in this State, for employment out of the State, shall pay a license tax of, per annum ----------$1[illegible].00

(b) Every person, firm or corporation, who or which engages in the business of securing employment for a person or persons and charging therefor a fee, commission, or other compensation, shall pay a license tax of, per annum $1[illegible].00

PROVIDED, however, that this section shall not apply to any employment agency operated by the Federal Government, the State, or any County or Municipality whose sole business is procuring employees for work in the harvesting of farm crops within the State of North Carolina.

LAUNDRIES.

Every person, firm or corporation engaged in the business of operating a laundry, including wet and/or damp wash laundries, where steam, electricity, or other power is used, also including renting towels and other linens, shall pay a license tax of, per annum ----------$ [illegible].00

PROVIDED, that any laundry or other concern doing a gross volume of business of less than $100.00 per month, shall pay a license tax of, per annum - $[illegible].00

PROVIDED, also, that this section shall not apply to watermen.

LAUNDRY AGENCIES.

Every person, firm or corporation engaged in the business of operating a laundry outside of Asheville, and soliciting laundry business in the City of Asheville through agents, shall pay a license tax of, per annum ----------$ [illegible].00

LAWYERS.

Exempt by State Statutes.

LEASING OR SELLING FILMS.

Exempt by State Statutes.

LECTURERS, PROFESSIONAL.

Each lecture where admission is charged, except where solely for charitable, religious, or educational purposes ---------- $[illegible].00

LEMONADE--ITINERANT.

See "Balloons".

LEMONADE STANDS.

On public occasions, same as "Soft Drink Stands".

LIFTING MACHINE, BLOWING MACHINES.

Each, per day ---------- $[illegible].00

LIGHTNING ROD AGENTS.

Each lightning rod dealer having a general office, or selling from a receiving point, shall pay a license tax of, per annum ----------$[illegible].00

LINEN SERVICE.

Every person, firm or corporation renting or placing towels or other linen for a rental or on a fee basis, shall pay a license tax of, per annum $[illegible].00

LINEN SHOPS.

Every person, firm or corporation, engaged in business where the principal items sold are licens, shall pay a license tax of, per annum ------$25.00

LIVERY STABLES.

On every person, firm or corporation, who keeps horses or mules to hire or let, with or without vehicles, or run a hitch and feed stable, a license tax shall be paid of, per annum ----------$10.00

LOAN AGENTS OR BROKERS.

Every person, firm or corporation engaged in the regular business of making loans or lending money, and accepting liens on, or contracts of assignment of, salaries or wages or any part thereof, or other security or evidence of debt for repayment of such loans in installment payments or otherwise, maintaining in connection with same any office or other located or established place for the conduct, negotiation, or transaction of such business, and/or advertising or soliciting such business in any manner whatsoever, shall be deemed a loan agency, and shall pay a license tax of, per annum ----------$100.

PROVIDED, that this shall not be construed to apply to banks, industrial banks trust companies, building and loan associations, nor installment paper dealers as defined in Section 148 of the Revenue Act of 1937. It shall apply to those persons or concerns operating, or commonly known as loan companies or finance companies, and whose business is as hereinbefore described, and those persons, firms or corporations pursuing the business of lending money and taking as security for the payment of such loan and interest as assignment of wages, or an assignment of wages with power of attorney to collect same, or other order of chattel mortgage or bill of sale upon household or kitchen furniture.

LOAN COMPANIES.

See "Mortgage Loan Companies".

LUBRICANTS, OIL, ETC.--DEALERS IN.

See "Oil and Gasoline".

LUGGAGE.

(a) Each and every person, firm or corporation where 75 per cent of the gross sale or stock of merchandise carried is luggage, shall pay a license tax of, per annum ----------$25.00

(b) Each and every person, firm or corporation, selling luggage, and where less than 75 per cent of the sales or stock of merchandise consists of luggage, shall pay a license tax of, per annum ----------$ 5.00

LUMBER-BROKERS OR WHOLESALE DEALERS.

Every person, firm or corporation with an office within the City of Asheville, manufacturing, buying and/or selling lumber at wholesale, and/or handling same upon a brokerage or commission basis, shall pay a license tax of, per annum ----------$25.00

LUMBER DEALERS.

See "Building Materials".

LUNCH-DRUG STORES.

See "Restaurants".

LUNCH ROOMS AND RESTAURANTS.

See "Restaurants"."

LUNCHES-ITINERANTS SELLING.

See "Balloons".

LYCEUM BUREAUS AND CHAUTAUQUA BUREAUS.

Each, per annum ----------$25.00

"M"

MACHINE SHOPS.

Each, per annum ----------$25.00

MACHINE, SLOT-OR SLOT LOCKS.

(a) Every person, firm or corporation engaged in operating within the City of Asheville, any slot machine wherein is kept any article to be purchased by depositing any coin or thing of value, or for which may be had any article of merchandise, or any machine wherein may be seen any picture or heard any music by depositing herein any coin or thing of value, or any slot weighing machine, or any machine for making stencils by the use of contrivances operated by depositing in the machine any coin or thing of value, or where any game is played or any lock operated by slot wherein money or thing of value is to be deposited, shall pay for each machine or lock, the following license tax, per annum ------

Any such machine that requires a deposit of not more than one cent ----$5.00
Any such machine that requires a deposit of more than one cent and not more than five cents ----------$10.00
Any such machine that requires a deposit of more than five cents, and not more than ten cents ----------$20.00
Any such machine that requires a deposit of more than ten cents and not more than twenty cents ----------$20.00
Any such machine that requires a deposit of more than twenty cents ----------$40.00
Weighing machine requiring a deposit of one cent ---------- $ 2.50
Vending machines vending peanuts, foods, or confections, requiring a deposit of one cent ---------- $ 2.50

PROVIDED: On each and every slot machine wherein, by depositing a coin or thing of value, and only music is heard the tax shall be ---------- $5.00

NOT PRORATED.

PROVIDED, the foregoing shall not apply to those items enumerated in Section 129 of the Revenue Act of 1937.

PROVIDED, however, that this section shall not apply to machines owned and operated by and retail merchant in his own place of business for delivering merchandise of the market value of the coin deposited; nor shall it apply to slot machines from which drinking cups are delivered at not more than one cent per cup.

The operator or owner of each and every slot machine or slot lock, shall keep posted the metal license plat that is issued with the license, same to be fastened on the top panel under the glass of each machine.

Any slot machine being operated without being properly licensed, shall be confiscated and/or sealed by the Tax Collecting authorities and same shall not be released until said tax is paid, and a penalty of one dollar for each machine so confiscated or sealed. Any person breaking a seal and operating such machine after same has been sealed, shall be liable to a penalty of $50.00 for each offense.

MACHINERY.

See "Agricultural Implements and Machinery".

MAKERS OF BONDS.

See "Bond Makers".

MANICURUSTS.

Residents, per annum ----------$5.00
Itinerant, per annum ----------50.00

MANUFACTURERS--MISCELLANEOUS.

Every person, firm or corporation engaged in the business of manufacturing any product not taxed under this Schedule, shall pay a license tax of, per annum ----------$25.00

MASSAGE ESTABLISHMENTS.

Each, per annum ---------- $50.00
Itinerant, per day ---------- 5.00

PROVIDED, where only one operator is working the license shall be ---- $25.00

MATCHES--WRESTLING.

See "Games".

MATTRESS FACTORIES OR RENOVATORS.

Each, per annum ---------- $25.00

MEATS.

(a) Every person, firm or corporation engaged in the operation of a meat market, shall pay the tax in accordance with the classification hereinafter set forth:

CLASS A:

Meat markets selling 500 pounds or less of fresh meats per week, each per annum ----------$25.00

CLASS B:

Meat markets selling over 500 pounds of fresh meat per week, each per annum ---------- $50.00

PROVIDED, that such license tax shall be paid for each meat market operated, within the corporate limits of the City of Asheville.

(b) Every person, firm or corporation engaged in the wholesale distribution or sale of fresh or cured meats ----------$50.00

(c) Every person, firm or corporation storing, jobbing, or selling meats of any kind from warehouses within the city limits ----------$150.00

PROVIDED, that the provisions of this section shall not apply to any persons, firm or corporations, who have paid the tax levied on packing houses.

NOTE: Meat not having been salted longer than twenty days shall be considered fresh meat, and the license shall be collected as itemized on retail and wholesale dealers of fresh meats. PROVIDED, that from and after the passage of this Ordinance it shall be unlawful for any person, firm or corporation to operate a meat market without first obtaining a meat market permit from the Health Officer which must be in force during period of operation and a copy of the same must be conspicuously posted at all times within the said market so as to be plainly visible at all customers who may patronize such market.

PROVIDED, further, that the Director of Finance may require at any time an affidavit from the operator of any week, during the tax year, and if during any week of the tax year a meat market in Class A sells more than 500 pounds of meat, then said Class A meat market shall be rated as Class B, and shall be liable for tax in accordance with Class B. Schedule.

MEAT DISTRIBUTORS.

Every person, firm or corporation, selling, distributing and delivering meat at wholesale or retail, and not having a place of business in the City of Asheville, shall pay a license tax of, per annum ----------$50.00

PROVIDED, the provisions of this section shall not apply to persons, firms, or corporations, paying packing house license.

MEDICINE SELLERS OR VENDORS.

See "Goods, Wares, and Merchandise".

Free shows in connection with the selling of medicine or other merchandise in other than licensed theatres or moving picture shows, prohibited within the corporate limits of the City of Asheville.

MENAGERIES.

See "Circuses".

MERCHANTS--ITINERANT.

Itinerant or salesman selling as proprietor or agent in any lot or in a storeroom, goods, wares, or merchandise, on which an itinerant or other tax is not herein specifically imposed, shall pay a license tax of, per annum ----------$100.00

NOT PRORATED.

PROVIDED, that all such sales on any street, square, alley, or other municipal property is expressly prohibited.

Itinerant merchants, dealers, or proprietors, or agent selling bankrupt or fire sales, or any kind of goods, wares, or merchandise, shall pay a license tax of, per week ---------- $ 100.00

PROVIDED, however, that no tax shall be collected from trustees or officers of a Bankruptcy Court making sales under Order of Court.

MERCHANTS--PEDDLING.

See "Goods, Wares, and Merchandise".

MERCHANTS-- TAILORS.

Employing two helpers or less, per annum ----------$ 10.00
Employing over two helpers, per annum ---------- $ 25.00

MERCHANTS AND STOCK BROKERS.

See "Brokers".

MERRY-GO-ROUND OR FLYING JENNY.

See "Riding Devices."

MOP OR BROOM FACTORIES.

Every person, firm or corporation manufacturing or assembling mops or brooms, shall pay a license tax of, per annum ---------- $ [illegible]

METAL WORKING ESTABLISHMENTS OR TIN SHOPS.

See "Contractors and Construction Companies".

METALLIC CARTRIDGES.

See "Pistols".

METALLIC, BRASS, OR IRON KNUCKLES.

See "Bowie Knives".

MILK PASTEURIZERS AND CREAMERIES.

See "Creameries and Dairies".

MILL SUPPLIES.

Every person, firm or corporation selling or distributing mill or factory supplies, shall pay a license tax of, per annum ----------$ [illegible]

MILLINERY MERCHANTS.

Every person, firm or corporation selling millinary, shall pay a license tax of, per annum ---------- $ [illegible]

PROVIDED, that any person, firm or corporation selling millinery where the gross sales do not exceed $1,000.00 shall pay a license tax of, per annum --$ [illegible]

MINSTREL SHOWS.

See "Pictures".

MONUMENTS OR TOMBSTONES--DEALERS IN.

Every person, firm or corporation engaged in the business of erecting, manufacturing, jobbing, selling, or offering for sale monuments, marble tablets, grave stones, or articles of like kind, shall pay a license tax of, per annum-- $ [illegible]

MOTORCYCLE DEALERS.

See "Automobile, Motorcycle, Motor Vehicles--Dealers in".

MOVING PICTURES OR VAUDEVILLE SHOWS.

On each room, hall, tent, or air-drome used as a moving picture or vaudeville show, an annual license tax as follows shall be paid:

On each place having a seating capacity of less than 500 -------- $[illegible]
On each place having a seating capacity of 500 or less than 1,000 ---------- $175.00
On each place having a seating capacity over 1,000 ---------- [illegible]

PROVIDED, any moving picture show operating more than two (2) miles from the business center of the City of Asheville (for the purpose of this provision the term " business center" being defined as the intersection of the principal business streets of the City of Asheville), the territory in which such moving picture show is located having been annexed to such city subsequent to January 1, 1923, the license tax shall be, per annum ----------$[illegible]

No additional tax may be charged for fortune tellers, clairvoyants and similar crafts appearing under contract in theatres.

MULTIGRAPHS, MIMEOGRAPHS--DEALERS IN.

Exempt by State Statutes.

MULTIGRAPH SHOPS.

Every person, firm or corporation multigraphing or mimeographing letters, advertisements or other documents for compensation, shall pay a license tax of, per annum, as follows:

1 operator ----------$ 10.00
2 operators ---------- 15.00
More than 2 operators ---------- 25.00

"N"

NEWS DEALERS ON TRAINS.

Exempt by State Statutes.

NEWSPAPERS.

Daily, morning	$100.
Daily, afternoon	100.
Weekly	25.
Monthly	15.

PROVIDED, that where any newspaper company prints, in addition to its newspaper, circulars or other printed matter, the tax levied under "Printing Establishments" shall also be paid.

NEWSPAPER CONTESTS.

Every person, firm or corporation, conducting any newspaper contest, shall pay a license tax as follows:

Weekly, semi-weekly or monthly newspapers, magazines or periodicals	$25.00
Daily newspapers	100.00

NEWS STANDS.

Per annum ---------- 2.5

NEWS STANDS ON STREETS OR SIDEWALKS.

Prohibited.

NEWSPAPER OR MAGAZINE DISTRIBUTORS.

Per annum ---------- $ 25.00

NURSERIES.

Every person, firm or corporation operating a nursery, or selling or displaying for the purpose of advertisement or sale nursery products, shall pay a license tax of, per annum ---------- $25.00

PROVIDED, if person growing plants or evergreens in City or Buncombe County not operating a store, no tax shall be collected. Peddling plants, bulbs and evergreens, see "Goods, Wares and Merchandise".

"O"

OCULISTS.

Exempt by State Statutes.

OFFICE EQUIPMENT.

Every person, firm or corporation engaged in the business of selling office equipment or supplies, shall pay a license tax of, per annum ----- $ 25.00

OIL, FUEL.

See "Fuel Oil".

OILS AND GASOLINE.

(a) Every person, firm or corporation engaged in the business of selling illuminating or lubricating oils or greases, or benzine, naptha, gasoline, or other products of like kind from an agency, station or warehouse, for the distribution or sale of the aforementioned commodities as defined in Section 137 of the Revenue Act of 1937, shall pay a license tax of, per annum --------- $50.00

PROVIDED, that this shall a ply to agencies or warehouses in the City of Asheville engaged in the distribution or sale of the commodities enumerated.

(b) Every person, firm or corporation engaged in the business of selling illuminating or lubricating oils or greases, or benzine, naptha, gasoline, or other products of like kind, who do not maintain an agency, station, or warehouse within the City of Asheville, shall pay a license tax of, per annum ---$ 50.00

(c) Every person, firm or corporation engaged in the business of reconditioning or refining oils, shall pay a license tax of, per annum ----------$ 20.00

OPERAS.

See "Chautauquas".

OPTICAL SUPPLIES.

Every person, firm or corporation selling optical goods or supplies at wholesale, shall pay a license tax of, per annum ----------$ 150.00

At retail, per annum ---------- 50.00

PROVIDED, however, that the foregoing tax shall not be collected from duly licensed practicing physicians, optometrists, or oculists.

OPTICIANS.

Exempt by State Statutes.

OPTOMETRISTS.

Exempt by State Statutes.

ORDERS--FRATERNAL.

Exempt by State Statutes.

ORGANS, PIANOS AND PHONOGRAPHS.

Every person, firm or corporation engaged in the business of selling, offering, or ordering for sale, any of the articles hereinafter enumerated, shall pay for the privilege of conducting such business, a special license tax, per annum, as follows:

For pianos and/or graphophones, radios, or radio accessories, victrolas, or other instruments using disc or cylinder records, and/or the sale or records for either or all of these instruments ----------$ 5.00

For each traveling representative or agent for the sale of pianos, and/or graphophones, radios, or radio accessories, victrolas, or other instruments using disc or cylinder records, and/or the sale of records for either or all of these instruments ----------$ 5.00

For each traveling representative or agent for the sale of pianos, and/or graphophones, radios, or radio accessories, victrolas, or other instruments using disc or cylinder records, and/or the sale of records for either or all of these instruments ----------$ 5.00

ORGAN AND PIONO TUNERS OR REPAIRERS.

Organ or piono turners or repairers, per annum	$ 5.00
Itinerant, per annum	$50.00

ORIENTAL GOODS--DEALERS IN.

Per annum ----------$ 5.00

OSTEOPATHS.

Per annum ----------$ 5.00

OYSTERS AND FISH DEALERS.

See "Fish and Oyster Dealers".

"P"

PACKING HOUSES.

Every person, firm or corporation engaged in or operating a meat packing house, and every wholesale dealer in meat packing house products, who owns, leases, or rents and operates a cold storage warehouse in connection with such wholesale business, shall pay for each such packing house or cold storage warehouse a license tax of, per annum ----------$150.00

PAINTING CONTRACTORS.

See "Contractors".

PAINT DEALERS.

Every person, firm or corporation selling or distributing paint, calcimine, or other paint products, shall pay a license tax of, per annum ----------$ 25.00

PROVIDED, where roofing is sold an additional tax of $5.00 shall be charged.

PAPER OR PAPER PRODUCTS.

Every person, firm or corporation engaged in the sale or distribution of paper or paper products, where twenty per cent or more of their business is the sale or distribution of paper, shall pay a license tax of, per annum ----------$50.00

PROVIDED, that where less than 20% of the business is paper products, the license tax shall be ----------$10.00

PARKING PLACES.

On each and every lot used for a public parking place for profits, where other service is not rendered, shall be paid a license tax of, per annum -------$ 5.00

Where greasing, washing or other service is rendered ----------$10.50

PASTEURIZERS OF MILK.

Each establishment shall pay a license tax of, per annum ---------$100.00

For the foregoing tax is not collectible where creamery tax is paid.

PATENT RIGHTS AND FORMULA--DEALERS IN.

On every person, firm or corporation, offering for sale any patent or formula, shall be paid a license tax of, per annum ----------$10.00

PAVING, GRADING, SIDEWALK, SEWER, OR STORM SEWERS.

See "Contractors".

PAWN BROKERS.

See "Brokers, Pawn".

PEANUT AND POPCORN ROASTERS.

Every person engaged in the business of operating any peanut or popcorn roaster or stand, shall pay a license tax of, per annum ----------$10.00

PROVIDED, that when a peanut or popcorn roaster or stand is operated in connection with some other business, the license tax shall only be per annum--$ 5.00

PEDDLERS OF BOOKS.

See "Book Agents."

PEDDLERS--GENERAL.

See "Goods, Wares and Merchandise".

PEDDLERS OR VENDORS OF MEDICINE.

See "Goods, Wares and Merchandise".

PEDDLING.

See "Goods, Wares and Merchandise", also "Fruits and Product".

PEDDLING OF FISH.

Prohibited.

PENNY ARCADES OR PARLORS.

See "Arcades".

PEPSI-COLA BOTTLING WORKS.

See "Bottling Works".

PERFUME AND TOILET ARTICLES, COMPACTS, LIPSTICKS, ETC.

Every person, firm or corporation selling perfume, cologne, toilet water, bath salts, compacts, lip stocks, or other toilet articles, shall pay a license tax of, per annum ----------$ 5.00

PROVIDED, where the gross sales are less than $500.00 annually, the tax shall be ----------$ 2.50

PET SHOPS.

Every person, firm or corporation operating a shop usually known as a "pet shop" or place of business where pets such as dogs, monkeys, cats, birds, fish, white mice, and/or other pets by whatsoever name called, are sold, shall pay a license tax of, per annum ----------$25.00

PHONOGRAPHS.

See "Organs".

PHOTOGRAPHERS.

Every person, firm or corporation engaged in the business as a photographer, canvasser for any photographer, agent of a photographer in transmitting pictures or photographs to be copies, enlarged or colored, shall pay a license tax of per annum ----------$10.00

PHOTOSTAT DEALERS.

Every person, firm or corporation making photostatic copies for sale, shall pay a license tax of, per annum ----------$25.00

PHRENOLOGISTS.

Per annum ----------$100.00

PHYSICIANS.

Exempt by State Statutes.

PIANO OR ORGAN REPAIRERS OR TUNERS.

See "Organ Repairers or Tuners".

PICTURE MACHINES--ADVERTISING BY USE OF.

See "Advertising by Use of Picture Machines".

PICTURE, MOVING.

See "Moving Pictures."

PICTURES, TRAVELING, MOVING, TRAVELING THEATRICAL, VAUDEVILLE, OR MINSTREL SHOPS.

Every person, firm or corporation, engaged in the business of a traveling theatrical, traveling moving picture, and/or traveling vaudeville company, giving exhibitions or performances in any hall, tent, or other place not duly licensed as a theatre, moving picture or vaudeville house, for the privilege of engaging in such business, shall pay a license tax of $25.00 for each day or part of a day's exhibits or performances.

PROVIDED, that:

(a) Artists, exhibiting paintings or statuary work of their own hands, shall only pay ----------$0.00

(b) Such places of amusement as do not charge more than a total of fifty cents for admission at the door, including reserved seat, and shall perform or exhibit continuously in any given place as much as one week, shall be required to pay $25.00 for the first day, and a total of $25.00 for the next succeeding five days or any part thereof, and $30.00 per week or any part thereof afterwards.

PROVIDED, however, where such amusement company holds an annual statewide license, as provided under Section 103 of the 1937 Revenue Act, such company pay $20.00 per week or part of week.

Application for permit to exhibit must be made in the same manner as herein required of a circus, and no performance shall be given unless permit is granted.

PIPE OR CEMENT BLOCKS.

See "Cement Blocks".

PISTOLS.

Every person, firm or corporation who is engaged in the business of keeping in stock, selling, and/or offering for sale any of the articles or commodities hereinafter enumerated, shall pay the following tax, per annum:

(a) For pistols ----------$50.00
(b) For bowie knives, dirks, daggers, sling-shots, loaded canes, iron or metallic knuckles, or articles of like kind ----------$200.00
(c) Blank cartridge pistols ----------$200.00

PROVIDED, however, that if such persons, firms or corporation deals only in metallic cartridges, the tax shall be, per annum ----------$ 10.00

PLANTS, BULBS AND EVERGREENS.

See seeds and plants.

PLUMBING CONTRACTORS.

See "Contractors."

PLUMBING SUPPLIES.

Every person, firm or corporation selling plumbing supplies, shall pay a license tax of, per annum (wholesale) ----------$100.00

PROVIDED, every person, firm or corporation selling plumbing supplies at retail, shall pay a license tax of, per annum ----------$ 50.00

PROVIDED, however, where the above license is paid, then the contractor's license shall not be required.

POLES, CROSS-TIES, OR SIMILAR ARTICLES.

See "Buying and Shipping of".

PONY AND DOG SHOWS.

See "Circuses".

POOL ROOMS.

See "Billiards".

POULTRY AND/OR EGGS.

Every person, firm or corporation buying or selling poultry and/or eggs, at wholesale, shall pay a license tax of, per annum ----------$50.00

POWER, GAS AND ELECTRIC LIGHT COMPANIES.

See "Electric Light Companies".

PRESSING CLUBS, DRY CLEANING PLANTS AND HAT BLOCKERS.

Every person, firm or corporation engaged in the business of pressing and/or dry cleaning any article of clothing, re-shaping, cleaning and/or reblocking any hats, shall pay a license tax of, per annum, as follows:

(a) Where not more than three persons are employed ----------$10.00
(b) Where more than three persons and not more than six persons are employed ----------$25.00
(c) Where more than six persons are employed ---------- $40.00

For each cash and carry or call office where no cleaning and pressing is done ----------$ 5.00

PRINTED ADVERTISEMENTS, SIGN TACKING, ETC.

See "Advertising--Distributors of Samples".

PRINTING AGENTS.

See "Agents, not Specifically Taxed".

PRINTING ESTABLISHMENTS.

Every person, firm or corporation operating a printing press, whether part time or not, or whether employing a helper or not, shall pay a license tax of, per annum ----------$ 10.00

Without bindery, employing one workman, per annum ----------$ 10.00
Without bindery, employing two workmen, per annum ----------$ 15.00
Without bindery, employing more than two workmen, per annum------ $ 25.00
With bindery, per annum ---------- $ 30.00

PRODUCE AND FRUITS.

See "Fruits and Produce".

PROFESSIONAL ART-HEALING.

Exempt by State Statutes.

PROFESSIONAL LECTURES.

See "Advertising".

PUBLIC SERVICE AUTOMOBILES.

See "Motor Vehicles for Hire".

PUBLIC STENOGRAPHERS.

Every person, firm or corporation engaged in public stenographers work, shall pay a license tax, for each person so engaged, of per annum ------$ 2.50

"Q"

QUARRY ROCK.

(a) On each rock quarry, a license tax shall be paid of, per annum--$50.00

(b) Every person, firm or corporation, selling, hauling or delivering rock quarry products in the City of Asheville, not having paid the tax under sub-section (a), and not having a quarry within the City of Asheville, shall pay the following tax:

On each truck of two-ton capacity or less, per annum ----------$25.00
On each truck of more than two-ton capacity, per annum ---------- 50.00

QUEENSWARE AND CHINA.

See "China and Queensware".

"R"

RACKS FOR KNIVES OR CANES.

See "Cane Racks".

RADIO INSTRUMENTS OR RADIO INSTRUMENT ACCESSORIES.

See "Organs, etc."

REAL ESTATE AUCTIONEERS.

See "Auctioneers".

RELIGIOUS ENTERTAINMENTS.

See "Charitable Entertainments".

REPAIR SHOPS.

Any repair shop operating in the City of Asheville, by whatsoever name called, not elsewhere specifically licensed or taxed in this ordinance, shall pay an annual license tax as follows:

Working one workman ----------$5.00
Working one or three workmen ----------10.00
Working three workmen or more ---------- -- 15.00

REPAIR SHOPS-CABINET.

See "Cabinet repair Shops".

REPAIR SHOPS-CARRIAGE.

See "Carriage repair Shops".

REPAIRING OR MANUFACTURING OF HARNESS OR SHOES.

See "Harness or Shoe Repairers".

REPAIRERS OR TUNERS OF ORGANS OR PIANOS.

See "Organ Tuners".

RESTAURANTS, LUNCH ROOMS, HOTEL DINING ROOMS, OR DRUG STORES.

(a) Every person, firm or corporation engaged in the business of operating a restaurant, cafe, cafeteria, hotel with dining service on the European Plan, drug store, or other place where prepared food is sold, shall pay an annual license tax based on the number of persons provided for with chairs, stools, or benches, and shall be 50¢ per seat, with a minimum tax of ----------$25.00

(b) All other stands or places where prepared food is sold as a business, and drug stores, service stations, and other stands or places where prepared sandwiches only are served, shall pay an annual license tax of ----------$10.00

RIDING DEVICES.

Every person, firm or corporation engaged in the operation of a bagatelle table, merry-go-round, flying jenny, ferris wheel, whip, tango swing, caterpiller, tumble-bug, hobby-horse, switchback railway, shooting gallery, skating rink, or other amusement devices of a like kind, or a place for other games or play with or without name (unless used solely and exclusively for private amusement and exercise), at a permanent licensed place, shall procure a special license for the privilege of operating such objects of amusements, and shall pay for each object enumerated the following tax, per annum ------$10.00

ROOMS OR HALLS USED AS THEATRES.

See "Halls".

ROOTS AND HERBS.

Every person, firm or corporation buying or selling roots, herbs, or other medical plants, shall pay a license tax of, per annum ----------$25.00

RUBBER STAMPS.

Every person, firm or corporation engaged in the exclusive business of manufacturing rubber stamps, stencils and seals, where 75 per cent of the business is derived from the manufacture of such articles, shall pay a license tax of, per annum ----------$ 25.00

"S"

SALVAGE DEALERS.

Every person, firm or corporation buying, selling and/or dealing in bankrupt stocks, factory job lots and second-hand materials of all kinds, shall pay a license tax of, per annum ----------$200.00

PROVIDED, where this license is paid all other license taxes levied by this ordinance on individual items shall not be collectible.

PROVIDED, where the above tax is paid other classifications shall not apply.

SAMPLE AND SIGN DISTRIBUTORS, ETC.

See "Advertising".

SAMPLE ROOMS, AGENCIES, OR SALES OFFICES.

Per Annum ----------$ 20.00

SANDWICHES.

Sandwiches, wholesale, per annum ----------$ 15.00
Sandwiches, retail, per annum ----------$ 2.50

SCALE DEALERS.

Each dealer in, or agent for, shall pay a license tax of, per annum-$25.00

SECOND-HAND AUTOMOBILE EQUIPMENT.

See "Automobile Equipment--Used Parts".

SECOND-HAND CLOTHING.

See "Clothing-Second-Hand".

SECURITY DEALERS.

(a) Every person, firm or corporation who or which is engaged in the business of dealing in securities as defined in Section 132 of the 1937 Revenue Act, or who or which maintains a place for or engages in the business of buying and/or selling shares of stock in any corporation, bonds, or any other securities on commission or brokerage, shall pay for the privilege of transacting such business, a license tax of, per annum ----------$50.00

(b) PROVIDED, every dealer as defined herein, other than banks or trusts companies, shall pay a license tax for the privilege of transacting such business at each office.

(c) If every such person, firm or corporation described in sub-section (a) hereof maintains and/or operates a leased or private wire and/or ticker service in connection with such business, the annual license tax on the private wire or ticker service shall be ----------$50.00

SEEDS AND PLANTS.

Every person, firm or corporation selling or distributing bulk and package, farm and garden seeds, plants, bulbs, roots, shall pay a license tax of, per annum ----------$25.00

Selling bulk and package seeds only, per annum ---------- $20.00
Selling plants and package seeds only, per annum ---------- $10.00
Selling package seeds only in boxes of 330 packages or less, per annum ---------- $ 1.00
Boxes of over 330 packages and not over 650 packages, per annum--- $ 2.00
Over 650 packages, per annum ---------- $ 3.00

NOT PRORATED.

SEWERS, GRADING, PAVING, SIDEWALKS OR STORM SEWERS.

See "Contractors".

SEWER PIPE.

Every person, firm or corporation selling sewer pipe, shall pay a license of, per annum ----------$50.00

No tax collected hereunder where building material tax is collected or where electrical contractor, plumber, steam and gas fitter tax is collected.

See "Electrical Contractors", etc.

SEWING MACHINE AGENTS.

Exempt by State Statutes.

SHIPPING AND BUYING TELEPHONE POLES, CROSS-TIES, LOGS OR SIMILAR ARTICLES.

See "Buying and Shipping of".

SHOE OR HARNESS MANUFACTURERS OR REPAIRS

See "Harness Manufacturers".

SHOE SHINE PARLORS.

See "Bootblack Stands".

SHOE MERCHANTS.

Every person, firm or corporation selling shoes at retail, shall pay the following graduated license tax based on the annual gross sales:

Less than $2,000 annually ----------$ 1.00
2,000 and less than 5,000 ---------- 1.00
5,000 and less than 10,000 ---------- 2.00
10,000 and less than 15,000 ---------- 5.00
15,000 and less than 25,000 ---------- 10.00
25,000 and less than 35,000 ---------- 15.00
35,000 and less than 50,000 ---------- 25.00
50,000 and less than 75,000 ---------- 35.00
75,000 and over ---------- 50.00

SIDEWALK, GRADING, PAVING, SEWERS, OR STORM SEWERS.

See "Contractors".

SIGN PAINTING.

On any sign painting contractor not employing any workman, shall pay per annum ----------$ 1.00
On any sign painting contractor employing two workmen or more, shall pay

Two to four workmen ---------- 5.00
Four to six workmen ---------- 10.00
Six or more workmen ---------- 15.00
Itinerant sign painters, per annum ----------$10.00

SIGN TACKING, PRINTED ADVERTISEMENTS, ETC.

See "Advertising."

SILVER PLATING.

Every person, firm or corporation engaged in the business of silver plating, shall pay a license tax of, per annum ----------$5.00

SKATING RINKS.

See "Riding Devices."

SLEIGHT OF HAND EXHIBITIONS.

Prohibited.

SLING SHOTS.

See "Bowie Knives".

SLOT MACHINES.

See "Machines, Slot".

SODA FOUNTAIN SUPPLIES.

Every person, firm or corporation selling or distributing fruits, syrups, or other supplies used at a soda fountain, where fifty per cent of the gross sales or stock of merchandise carried consists of fruits, syrups, or other supplies used at a soda fountain, shall pay a license tax of, per annum -$50.00

SODA FOUNTAINS.

See "Fountains, Soda".

SOFT DRINKS--SALE OF.

On each person, firm or corporation selling bottled soft drinks, a license tax shall be paid of, per annum ----------$ 5.00

SOFT DRINKS --ITINERANT SELLING.

See "Balloons".

SOFT DRINKS.

See "Drinks," also "Bottling Companies".

SOUVENIR SHOPS.

See "Gift and Souvenir Shops".

COUPONS -ITINERANT SELLING.

See "Balloons".

SPRINKLER SYSTEMS.

See "Elevators".

SPICES AND FLAVORING EXTRACTS.

See "Goods, Wares and Merchandise".

STABLES, LIVERY.

See "Livery Stables".

STAMPS, RUBBER,

See "Rubber Stamps".

STANDS, BOOTBLACK.

See "Boot Black Stands."

STANDS, FRUIT.

See "Fruit Stands".

STANDS, LEMONADE--PUBLIC OCCASIONS.

See "Lemonade Stands".

STAR COURSES.

See "Chautauquas".

STATIONS, GASOLINE OR AUTO CLEANING.

See "Automobile Service Stations".

STEAM SHOVELS.

On each and every steam, gas, or motor driven shovel operated in the City of Asheville, a license tax shall be paid of, per annum ----------$25.00

NOT PRORATED.

STEAM AND GAS FITTERS.

See "Electrical Contractors", etc.

STENOGRAPHERS, PUBLIC.

See "Public Stenographers".

STOCK BROKERS.

See "Brokers, Stock".

STOCK YARDS OR PENS.

Every person, firm or corporation operating or maintaining a yard or pen where live stock is loaded, unloaded, fed, or watered, shall pay on each yard or pen, a license tax of, per annum ----------$750.00

PROVIDED, that any person, firm or corporation conducting a live stock exchange or market, or engaging in the business of purchasing and re-selling live stock at auction or otherwise and/or receiving and shipping live stock, shall pay, on each yard, a license tax of, per annum ----------$ 75.00

PROVIDED, further, that the provisions of this tax shall not be collected from packing houses, operating or maintaining a stock yard or pen, who have paid the prescribed tax on packing houses.

STOCK AND MERCHANDISE BROKERS.

See "Brokers, Merchandise and Stock".

STORAGE OR TRANSFER WAREHOUSES.

Where a charge is made for storage service, other than cold storage, a license tax shall be paid of, per annum ----------$ 50.00

STORM SEWERS, GRADING, PAVING, SIDEWALKS AND SEWERS.

See "Contractors".

STOVES, RANGES--INSTALLATION.

Every person, firm or corporation selling or offering for sale stoves, ranges, gas or other water heaters, where same is connected with the water system of the City of Asheville, shall pay a license tax of, per annum $20.00

It shall be unlawful for any person, firm or corporation to install ranges, stoves, gas or other water heaters in the city limits of Asheville, unless such installation is made by a licensed plumber under the provisions of the plumbing ordinance.

SUGAR.

See "Tea, Coffee and Sugar".

SUPPLIES FOR TYPEWRITER MACHINES.

Agents or dealers in supplies for typewriter machines, shall pay a license tax of, per annum ----------$

SURGEONS--VETERINARY.

Exempt by State Statutes.

SWITCHBACK, RAILROAD OR ROLLER COASTERS.

See "Riding Devices".

SYRUP, TABLE.

Every person, firm or corporation manufacturing table syrup, shall pay as a license tax of, per annum :

Where employing one person ----------$
Where employing two persons ----------
Where employing more than two persons ----------

"T"

TAILORS, MERCHANT.

See "Merchants, Tailors".

TALKING MACHINES.

See "Organs, Pianos and Phonographs".

TANNERIES.

Each, per annum ----------$

TEA, COFFEE AND SUGAR.

Every person, firm or corporation engaged in the business of selling tea, coffee and sugar, where 50% of the business is derived from the sale of tea, coffee and sugar, shall pay a license tax of, per annum ----$

TELEGRAPH COMPANIES.

Every person, firm or corporation domestic or foreign, engaged in operating the apparatus necessary to communication by telegraph within the corporate limits of the City of Asheville, shall pay a license tax of, per annum ----------$

TELEPHONE COMPANIES.

Every person, firm or corporation, domestic or foreign, engaged in operating the apparatus necessary to communication by telephone within the corporate limits of the City of Asheville, shall pay an annual license tax of 1.44% of its gross receipts, payable semi-annually, for such business as of December 1st, and May 31st of each tax year.

TEMPORARY STORES.

Every person, firm or corporation engaged in operating a temporary store as defined in Ordinance 183 within the City of Asheville shall make a deposit as an occupational tax to said City of Asheville for the use and benefit of said city in the sum of $200.00 in cash, and shall also pay the regular license tax under individual classification. In lieu of the $200.00 cash deposit any such person shall be required to furnish a bond, subject to the approval of the Legal Department, in the sum of $200.00 payable to the City of Asheville.

PROVIDED, however, that said store remains open and operating for a period of twelve months within the corporate limits of the City of Asheville and then and in the event the $200.00 deposited as an occupational tax shall be refunded by the Tax Collector of the City of Asheville.

A temporary store shall be classed as under Section 2 of Ordinance 183 of the City of Asheville, except that same is hereby changed from One Hundred Eighty (180) days to twelve months period.

TENTS AND AWNINGS.

See "Awnings".

THEATRES.

On each room or hall used as a theatre or opera house, other than moving picture theatres, where public exhibition or performances are given for profit, shall pay a license tax of, per annum ---------- $[illegible]

No additional tax may be charged for fortune tellers, clairvoyants, and similar crafts appearing under contract in theatres.

NOT PRORATED.

THEATRICAL COMPANIES, MOVING PICTURES OR TRAVELING VAUDEVILLE.

See "Traveling Moving Pictures".

THEATRICAL EXHIBITIONS.

See "Exhibitions, Entertainments, also Pictures".

TILE SETTERS.

Every person, firm or corporation engaged in the business of setting tile, shall pay a license tax of, per annum ---------- $ 10.00

TIN SHOPS OR SHEET METAL WORKING ESTABLISHMENTS.

See "Contractors and Construction Companies".

TIRE DEALERS.

See "Automobile Service Stations".

TITLE INSURANCE.

Every person, firm or corporation engaged in the business of guaranteeing or insuring title, shall pay a license tax of, per annum ---$25.00

TOBACCO, CIGARETTES, ETC.

See "Cigars, Cigarettes", etc.

TOBACCO WAREHOUSES.

Every person, firm or corporation engaged in the business of operating a warehouse for the sale of leaf tobacco upon commission and occupying a floor space of more than fifteen thousand square feet, shall pay a license tax of, per annum, for each warehouse ---------- $50.00

With less than fifteen thousand square feet of floor space, per annum, each warehouse ---------- $25.00

NOT PRORATED.

TOILET ARTICLES.

See "Perfumes", etc.

TOILET ARTICLES--PEDDLERS OF.

See "Goods, Wares, and Merchandise".

TOMBSTONES AND MARBLE DEALERS.

See "Monuments".

TOURISTS CAMPS.

See "Boarding Houses".

TOYS.

Every person, firm or corporation selling or distributing toys, shall pay a license tax of, per annum ---------- $5.00

NOT PRORATED.

TRADE SHOPS.

See "Printing Establishments".

TRADING STAMPS, DEVICES, ETC.

See "Devices".

TRANSFER COMPANIES.

See "Trays".

TRANSFER AND STORAGE WAREHOUSES.

See "Storage Warehouses".

TRAVEL PURSUANT TO AGENCIES.

Every person, firm or corporation engaged in the business of conducting a travel or transportation bureau or agency, shall pay an annual license tax of -----$10.00

PROVIDED, this shall not apply to any agency of a charitable organization maintained not for profit.

TRAVELING CIRCUSES.

See "Circuses".

TRAVELING THEATRICAL OR MOVING PICTURE COMPANIES.

See "Picture, Traveling".

TUNING OR REPAIRING ORGANS AND PIANOS.

See "Organ and Piano Tuners".

"U"

UNDERTAKERS.

See Caskets and Coffins".

UMBRELLA AND REPAIRERS.

Every person engaged in the business of repairing of umbrellas, shall pay a license tax of as follows:

If not more than one person is employed, per annum -------- $[illegible]
If more than one person is employed, per annum ---------- $[illegible]

UPHOLSTERING.

Every person, firm or corporation engaged in the business of upholstering or repairing furniture, shall pay a license tax of, per annum---$[illegible]

PROVIDED, this tax shall not be collected from persons, firms or corporations paying a tax on furniture stores.

USED PARTS--AUTOMOBILE EQUIPMENT.

See "Automobile Equipment--Used parts".

"V"

VAUDEVILLE COMPANIES, TRAVELING THEATRICAL COMPANIES, ETC.

See "Moving Pictures", also Pictures".

VEHICLE OR WAGONS--ADVERTISING WITH.

See "Advertising".

VETERINARY SURGEONS.

Exempt by State Statutes.

VICTROLAS AND GRAPHOPHONES.

See "Organs, Phonographs", etc.

VULVANIZING.

See "Automotive Service".

"WW"

"WORK ON WHEELS" DRIVEN THROUGH STREETS WITH ADVERTISING SIGNS.

See "Advertising".

"WALKING ABOUT STREETS DISPLAYING SIGNS.

Each and every person, firm or corporation delegating someone to walk about the streets and display, for the purpose of advertising, a sign or signs, shall pay a license tax of, per day ---------- $ 2.00

Per Week ---------- $5.00

"WASHING MACHINES.

Exempt by State Statutes.

"WATERMELONS--SLICED OR CUT.

On each and every person, firm or corporation selling or offering for sale, sliced or cut watermellon, shall be paid a license tax of, per annum ---------- $10.00

NOT PRORATED.

The foregoing tax shall not be collected from restaurants or drug stores who have paid the prescribed tax, and all sales shall be subject to ordinances applicable to food handling establishments.

"WEIGHING MACHINES.

See "Machines, Slot".

"WELDING SHOPS.

Every person, firm or corporation who makes repairs on anything by welding, shall pay a license tax of, per annum ---------- $25.00

"WIENER STANDS, HOT-DOGS, AND WEINNIES.

See "Restaurants".

"WILD WEST SHOWS.

See "Circuses".

"WINDOW CLEANERS.

Every person, firm or corporation, engaged in the business of washing windows, cleaning floors, or general housecleaning, shall pay a license tax of, per annum:

"Where employing one person ---------- $10.00
"Where employing two persons ---------- 20.00
"Where employing more than two persons---------- 30.00

"WINE.

See Special Ordinance.

"WOOD, KINDLING--CHEMICAL.

(a) Every person, firm or corporation selling wood for fuel purposes, shall pay a license tax of, per annum ---------- $5.00

(b) Every person, firm or corporation selling chemical kindling, shall pay a license tax of, per annum ---------- $50.00

"WOOD YARDS.

Saw operated by power, per annum ---------- $25.00
Saw operated by hand, per annum ---------- 5.00

"WOOLEN MILLS.

Every person, firm or corporation operating a mill manufacturing woolen cloth, shall pay a license tax of, per annum ---------- $100.00

WRESTLING AND BOXING.

See "Games".

YEAST.

Every person, firm or corporation selling or distributing yeast at wholesale, shall pay a license tax of, per annum ---------- $10.00.

"MISCELLANEOUS".

ALL BUSINESS, TRADE, PROFESSION, GAME, SPORT, OR OTHER THING MAKING PROSECUTION FOR PROFIT OR GAIN, NOT TAXED HEREIN.

Per annum ---------- $ 1.00
Per quarter ---------- .50
Per month ---------- .25
Per day ---------- .05

Section 17.

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or any amendment, shall, upon conviction, be liable for a penalty of Fifty ($50.00) Dollars.

Section 18.

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided that such repeal shall in no way affect any rights heretofore acquired for the collection of any tax heretofore levied or assessed, or the validity of any suits for taxes heretofore made, or any right heretofore acquired under any ordinance of this city.

I move the adoption of the foregoing ordinance, this 17 day of May, 1937.

Eugene Garland
COUNCILMAN

SECONDED BY: ROBERT E. SYWORD
COUNCILMAN

Read, approved, and adopted by the Council on first reading this 17th day of May, 1937, with all members of the Council voting "aye"; read, approved and adopted by the Council on second reading, 3rd day of June, 1937, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 24th day of June, 1937, with all members of the Council present voting "aye". This ordinance shall become effective 14th day of July, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing Mayor to execute Quit-Claim Deed was upon on motion of Councilman Carland, seconded by Councilman Bamford, unanimously adopted as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
1519	R. L. Alexander et ux Sallie L.	41	10	5	S. D. Stroup

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together woth interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted this 24 day of June, 1937.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.

Corporation Counsel.

Councilman Etheridge called attention to the tacking of signs and posters on various poles and buildings, saying it detracted from the city's beauty. Corporation Counsel Philip C. Cocke, Jr. read that section from Pannell's Code covering the posting of signs and posters, calling attention to the fact that this could only be done with the consent of the property owner, that it was against the law to tack them on trees and poles.

Councilman Bamford recommended that letters be written to the various Rhododendron Committees, Chamber of Commerce, Police Department, State Highway Patrol, and the Newspapers for their cooperation in making the festival a success. This recommendation was adopted and the City Manager was asked to write the letters.

On motion, the meeting was adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, July 1, 1937--4:30 P. M.

Mayor R. M. Wells called the meeting to order, but as no quorum was present, the meeting was adjourned until the next regular session.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, July 8, 1937--4:30 P. M.

The City Council met in regular session, Thursday afternoon, July 8, 1937, Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Robert E. Shuford, H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel.

PETITION--

Mr. Charles McCrea, attorney, representing certain merchants of the City, presented petition requesting the changing of Section 811 of Article 19 of Pannell's Code to permit merchants to sell "necessities of life on Sunday". Mayor Wells appointed the following committee to act with the City Manager in regard to this petition:

Councilman Bryson, Councilman Divelbiss
Councilman Shuford and City Manager P. M. Burdette

Mr. Newton Pearson, outlined to the Council his ideas of an Exposition for the City to be held in 1939 to coincide with the opening of the Blue Ridge Parkway, scheduled to be completed in two years. The matter was deferred until a future meeting to give the Council opportunity to study the plan and get all possible information together.

Councilman Holmes Bryson suggested the consideration of cutting off of six feet from the sidewalk in front of and north of the old Central Bank Bldg., to eliminate a "bottleneck" at this point. The matter was referred to the City Manager.

Carl Greene, Attorney, filed claim of Lola Leonard, for alleged injury sustained by her in the sum of $300.00. This was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA :
COUNTY OF BUNCOMBE :
: NOTICE OF CLAIM
LOLA LEONARD :
VS. :
CITY OF ASHEVILLE :

To the Honorable Mayor, City Manager, and Council of the City of Asheville, North Carolina.

Lola Leonard, a citizen and resident of The City of Asheville, North Carolina, by and through her Attorney Carl W. Greene, who is acting for her at her special instance and request, hereby files claim against the City of Asheville, North Carolina, for damages sustained by her, for the carlessness and negligence of said city in permitting an opening in the sidewalk, or hole, on the West side of Biltmore Avenue in front of house No. 211, on said Avenue.

1.

Lola Leonard was injured and damaged on May 6, 1937, about 10:00 O'clock P. M.

2.

Lola Leonard was on the sidewalk traveling upon same where she was within her rights.

3.

That said opening or hole in the side walk was not protected by guard rails, or any light to make same visible, and said city left said hole and opening in said side walk, when they knew or should have known that it would cause injury to pedestrians traveling thereon, and said Lola Leonard stepped in same and thereby injured her ankle and leg, causing physician services, great pain and suffering to her damage in the sum of $300.00.

"HEREFORE, this claimant gives notice and makes demand against the City of Asheville, North Carolina, for the sum of $300.00 damages sustained by her due to the injuries aforesaid.

Respectfully submitted this 1st day of July, 1937.

Carl W. Greene
Attorney for Claimant.

Ordinance No. 244, an Ordinance entitled "An Ordinance Regulating the Sale and Delivery of Coal, Coke and Charcoal within the City Limits of the City of Asheville was presented on its second reading. A roll call was taken, and Councilman Bryson voted "Aye", Councilman Divelbiss voted "aye", Councilman Shuford voted "aye" Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye" and Councilman Wells voted "aye".

On motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk.

Thursday, July 15, 1937--4:30 P. M.

The City Council met in regular session, Thursday afternoon, July 15, 1937, Mayor Wells presiding. Present: Councilmen J. E. Divelbiss, Jr., Robert E. Shuford, C. B. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Resolution authorizing Mayor to execute quit-claim deed was upon motion of Councilman Divelbiss, seconded by Councilman Bamford, unanimously adopted as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935, gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MADE DEED TO
2455	O. L. Fitzgerald	79	14	6	Miss Annie Glenn

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

Seconded by: C. B. Bamford
Councilman

Read, approved and adopted this 15 day of July, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Resolution authorizing Mayor to execute quit-claim deed was upon motion of Councilman Shuford, seconded by Councilman Divelbiss, unanimously adopted.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosures proceedings certificates of title for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MADE DEED TO
2934	W. L. McCoig	134	19	5	W. P. Burdette

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

Seconded by: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted this 15 day of July, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.,
Corporation Counsel.

Resolution of the City Council authorizing its Mayor and City Clerk to execute a quitclaim deed to County of Buncombe was upon motion of Councilman Shuford, seconded by Councilman Carland, unanimously adopted.

RESOLUTION OF THE CITY COUNCIL AUTHORIZIN G ITS MAYOR AND CITY CLERK TO EXECUTE A QUITCLAIM DEED TO COUNTY OF BUNCOMBE

"HEREAS, the Board of Financial Control for Buncombe County acquired title to a number of pieces of property through liquidation of collateral security which belonged to the City of Asheville or the County of Buncombe, or both; and

WHEREAS by an Act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or held by said Board was transferred to the City of Asheville and the County of Buncombe as their interest may appear; and

"HEREAS, by a deed of conveyance, which is recorded in the office of the Register of Deeds for Buncombe County, North Carolina, the Board of Financial Control conveyed all the property held by it derived from liquidation of collateral securing deposits of the City of Asheville and the County of Buncombe in defunct banks to the City of Asheville and the County of Buncombe as their interests may appear; and

"HEREAS, the records of the City of Asheville, the County of Buncombe and the Board of Financial Control reveal that the County of Buncombe is the sole owner of a certain piece of property, located in the City of Asheville on the southwest corner of Choctaw and McDowell, known as the Old Scale Factory; and

"HEREAS, it has been pointed out that the records in the Office of the Register of Deeds do not reveal the true ownership of said property and the County of Buncombe has requested the City of Asheville to execute a quitclaim deed for said property in order to clear up any question as to the ownership and title; and

"HEREAS, the City of Asheville does not own and claims no interest in the property above mentioned:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Asheville, that its Mayor and City Clerk be, and they, hereby, are authorized to execute a quitclaim deed to Buncombe County for the property above mentioned.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted this 15 day of July, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Ordinance No. 244, entitled, "An Ordinance Regulating the sale and delivery of Coal, coke, and Charcoal within the City Limits of the City of Asheville" was passed on its third and final reading. A roll call was taken and Councilman Divelbiss voted "aye", Councilman Shuford voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye" and Councilman Wells voted "aye". The ordinance was ordered published in a daily newspaper to become effective fifteen days after publication, which will be August 1, 1937.

ORDINANCE 244

AN ORDINANCE REGULATING THE SALE AND DELIVERY OF COAL, COKE AND CHARCOAL WITHIN THE CITY LIMITS OF THE CITY OF ASHEVILLE.

Section 1. That Section 1159 of the ordinances of the City of Asheville as published in book form under the name of Pennell's Code of the City of Asheville be and is hereby repealed.

Section 2. It shall be unlawful to sell or offer for sale or to deliver any coal, coke or charcoal in any manner than by weight, and before the delivery of any coal, coke or charcoal the delivery vehicle shall first be separately weighed so as to ascertain the tare of it, and then after loading weighed so as to ascertain the gross weight, which weighing must be done on scales tested, approved and sealed by the Sealer of Weights and Measures of the City of Asheville.

Section 3. It shall be unlawful for any person to deliver any coal, coke or charcoal without such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be in ink or other indelible substance, distinctly expressed in pounds the gross weight of the load, the tare of the delivery vehicle and the quantity or quantities of coal, coke or charcoal contained in the vehicle used in such deliveries, with the name of the purchaser thereof and the name of the dealer from whom purchased. One of these tickets shall be surrendered to the sealer of weights and measures upon his demand for his inspection and this ticket or a weightslip issued by him when he desires to retain the original shall be delivered to the said purchaser of the said coal, coke or charcoal or his agent or his representative at the time of the delivery of the fuel and the other ticket shall be retained by the seller of the fuel. When the buyer carries away a purchase the delivery ticket showing the actual number of pounds delivered to him must be given to him at the time the same is made.

Section 4. In no case shall any person, firm or corporation issue any delivery ticket unless and until he shall have weighed the vehicle in such manner as to secure the weight as specified in Section 2 hereof.

Section 5. It shall be the duty of every person, firm or corporation before delivering any coal, coke or charcoal within the corporate limits of the City of Asheville to register with the Sealer of Weights and Measures, giving in such registration the name and location of its principal office or place of business and the scales upon which coal, coke or charcoal which it will offer for sale shall be weighed, and the name of the person or persons who will issue weight certificates, and it shall be unlawful for such person, firm or corporation to deliver any coal, coke or charcoal, or to issue a delivery ticket, unless such weighing shall have been made on the scales so registered.

Section 6. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction, be subject to a penalty of $50.00 for each and every such offense, and each load which is delivered or attempted to be delivered and/or each and every delivery ticket which is issued in violation of this ordinance shall constitute a distinct and separate offense.

Section 7. In the event any clause or section of this ordinance should be declared invalid, the remaining clauses or sections thereof shall not be affected thereby.

Section 8. This ordinance shall be in full force and effect fifteen days after its first publication.

I move the adoption of the foregoing ordinance, this 24 day of June, 1937.

C. B. Bamford
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted, this 15 day of July, 1937, to become effective 1 day of August, 1937.

R. M. Wells
Mayor

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Glenn Morris
City Clerk

A communication was read from John D. Rockefeller, Jr., thanking the Council for the resolution in regard to his father's death. Mr. Rockefeller assured the Council of his profound gratitute and thanks.

Bert Starnes requested that a vacant lot in the vicinity of 139 Rankin Avenue be cleared of undergrowth. This was referred to the City Manager.

Upon motion of Councilman Shuford, seconded by Councilman Carland, the meeting was adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk.

Thursday, July 22, 1937,--4:30 P.M.

The City Council met in regular session, Thursday afternoon, July 22, 1937, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. F. Divelbiss, Jr., Carl P. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Petition was read from the property owners on Herron St., requesting a street light between the intersections of Saluda Avenue and Mildred Avenue. This was referred to the City Manager.

A letter was read from the Negro Welfare Council requesting consideration of a swimming pool and recreational facilities for negros of the City. A letter from Mr. Haywood Parker was also read endorsing the efforts to provide better recreational facilities for the negros in the city. Also an endorsement from Dr. R. E. Campbell.

Dr. L. O. Miller, asked the consideration of the Council for this project. This request was referred to the City Manager.

A report was made by the Council committee in regard to the request of Judge Sam Cathey for property owners on Ashland Avenue and McDowell Street that lower Ashland Avenue be extended into McDowell Street across Southside Avenue, recommending that the request be kept on file and the improvements made when funds were available.

Mayor Wells appointed a committee to investigate and report on the practicability of widening Charlotte Street on the west side from Hillside Street to Edwin Place. Councilman Carland, Chairman, Councilman Bamford and Councilman Divelbiss.

Councilman Divelbiss reported for the committee appointed to consider petition by certain merchants against closing grocery stores that the committee had been unable to meet and suggested that Attorney Chas. McCrea contact the City Manager and he would arrange a meeting of the committee at an early date.

The City Manager, P. M. Burdette, reported that the request of Mr. Starnes that vacant lot in the vicinity of 139 Rankin be cleared of undergrowth had been taken up with the property owner, Mr. Loughran, and he and Mrs. Starnes had reached an agreement.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Thursday, July 29, 1937--4:[illegible] P.M.

The City Council met in regular session, Thursday afternoon, July 29, 1937, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. F. Divelbiss, Jr., H. G. Etheridge, C. P. Bamford, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the pr[illegible] meeting were read and approved.

[illegible] FEDERATION

A letter was read from the Farmers Federation thanking the City Officials for the courtesy and hospitality of the recreation Park for a joint picnic with the Blue Ridge milk producers on July 15, 1937.

[illegible] OF [illegible]

The committee appointed to investigate the request of certain [illegible] asking permission to stay open on Sunday for the sale of the necessities of life, reported as follows:

"Your committee, appointed at the request of [illegible] in the City asking permission to stay open on Sunday for the sale of the necessities of life, has made an investigation of this request and at this time does not [illegible] amend the ordinance. Signed, --Holmes Bryson and J. F. Divelbiss, Committee."

Petition was presented from residents on Chatham Road, requesting a sidewalk from Merrimon Avenue to Laurel Ave. This was referred to the City Manager.

Resolution authorizing the Mayor to execute quit-claim deed was upon motion of Councilman Etheridge, seconded by Councilman Divelbiss, unanimously adopted as follows:

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE [illegible]

WHEREAS, the City acquired through tax foreclosure [illegible] certificates of title for numerous pieces of property for the year 19[illegible]; and

WHEREAS, the General Assembly of North Carolina at its last session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being Chapter 347 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	MAP	[illegible] TO
3466	Jessie W. Fletcher	196	8		Mrs. [illegible] Fletcher

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the city of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

H. G. Etheridge
Councilman

Seconded by: J. F. Divelbiss, Jr.
Councilman

Read, approved and adopted this 30 day of July, 1937.

R. M. Wells
Mayor

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Glenn Morris
City Clerk

Resolution authorizing the Mayor and City Clerk to execute contract for Street Lighting purposes with the Carolina Power & Light Company was unanimously passed as follows:

The Mayor presented to the Council for consideration and action a contract with Carolina Power & Light Company for Street Lighting service, which contract is dated July 30, 1937 and provides for the beginning of service on the first day of July 1937 and ending on the first day of July, 1947, to which contract is attached the Company's schedule of rates and rules and regulations covering such service.

Councilman Holmes Bryson introduced the following resolution and moved that it be adopted:

RESOLVED, that the Mayor and City Clerk be and they are hereby authorized and empowered, in the name of and for and in behalf of the City of Asheville, N. C., to execute said Street Lighting contract with Carolina Power & Light Company.

The motion to adopt the foregoing resolution was seconded by Councilman Eugene Carland, and, after discussion, a vote was taken and the resolution was duly adopted, there being Six votes in favor thereof and No votes against it.

I, Glenn Morris, City Clerk for the City of Asheville, N. C., do hereby certify the foregoing to be a true copy of a resolution duly adopted at, and recorded amongst the minutes of, a regular meeting of the Board of Councilmen of said City of Asheville, N. C., duly assembled and held at 4:30 o'clock, P.M., on the 29 day of July, 1937; that Mayor B. M. Wells was present and presiding, and Councilmen Holmes Bryson, H. G. Etheridge, J. E. Divelbiss, Eugene Carland and C. B. Bomford were present, constituting a quorum.

WITNESS my hand and the Seal of the City, THIS the 30 day of July, 1937.

B. M. Wells
Mayor

Glenn Morris
City Clerk

Councilman Divelbiss reported for the committee appointed to investigate the practicability of widening Charlotte Street on the west side from Hillside Street to Edwin Place, suggesting that the City Manager instruct the City Engineer to make a general survey for widening and beautifying Charlotte Street.

The meeting was on motion, adjourned.

B. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, August 5, 1937- 4:[illegible] P.M.

The City Council met in regular session, Thursday afternoon, August 5, 1937, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., H. G. Etheridge, C. B. Bomford, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cooke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

SWIMMING POOL

Dr. L. O. Miller, representing the Negro Welfare Council, presented to the Council petitions signed by 1209 negro residents of this City requesting a swimming pool and recreational facilities for negros of this city.

Resolution authorizing the Mayor to execute quit-claim deed to Mrs. Sarah L. Johnson was upon motion of Councilman Holmes Bryson, seconded by Councilman C. B. Bomford, unanimously passed, as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO MRS. SARAH L. JOHNSON

WHEREAS, Mrs. Sarah L. Johnson is the owner of Lots 212-1/2 and [illegible] as shown on a plat filed in the office of the City Engineer; and

WHEREAS, Mrs. Johnson has requested a quit-claim deed from the City for lot 212-1/2 of said plat above referred to, same being that portion of the abandoned Sand Hill Road right-of-way lying between Lot 212-1/2 and the relocated Sand Hill Road; and

WHEREAS, the abandoned right-of-way is of no value to the City of Asheville, and the conveyance of lots 212-1/2 to Mrs. Johnson would add value to her frontage on Sand Hill Road;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to execute a quit-claim deed to Mrs. Sarah L. Johnson for lot 212-1/2, as shown on plat #4-720 filed in the office of the City Engineer of Asheville, N. C.

I move the adoption of the foregoing resolution.

Holmes Bryson
Councilman

Seconded by: C. B. Bomford
Councilman

Read, approved and adopted this 5 day of August, 1937.

B. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
COPPORATION COUNSEL.

Resolution authorizing the Mayor to execute quit-claim deed to Ella Stewart was upon motion of Councilman Carland, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO ELLA STEWART.

WHEREAS, the Board of Financial Control of Buncombe County conveyed certain property to G. E. O'Neal and wife, Lillian O'Neal, by deed dated October 12, 1926, which deed is recorded in Deed Book [illegible] in the office of the Register of Deeds for Buncombe County; and

WHEREAS, said G. E. O'Neal and wife by deed dated May 10, 1937, duly recorded in said Register's Office in Deed Book 495 at page 62, conveyed said property to Ella Stewart; and

WHEREAS, said conveyance above named contained certain errors in the description of the lands so conveyed, thereby creating a cloud on the title to said property; and

WHEREAS, the Board of Financial Control of Buncombe County was abolished by the 1937 Session of the Legislature of North Carolina; and

WHEREAS, the said Board, before its abolition and dissolution, duly conveyed and transferred all real estate so held by it to the City of Asheville and/or the County of Buncombe; and

WHEREAS, the City of Asheville and County of Buncombe are desirous of removing any and all clouds from the title to said lands which may have been a result of any error reflected in said deed by said Board of Financial Control;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to execute a quit-claim deed to Ella Stewart for the property above referred to for the purpose of removing any cloud upon the title to said property.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted this 5 day of August, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution adopting the budget for the City of Asheville for the fiscal year beginning July 1, 1937 and ending June 30, 1938 was upon motion of Councilman Carland, seconded by Councilman Etheridge, unanimously adopted.

RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1937 AND ENDING JUNE 30, 1938.

WHEREAS, the City Manager of the City of Asheville presented to the City Council this the 5th day of August, 1937 the operating and debt service budget for the City of Asheville for the fiscal year beginning July 1, 1937 and ending June 30, 1938, and the budget as presented shows the amount to be expended for the operation of the various departments of the City of Asheville and the amount to be expended for debt service as follows:

(a)	General Government	$ 129,978.70
(b)	Law	20,787.50
(c)	Finance	26,792.46
(d)	Public Welfare	41,191.10
(e)	Public Safety	287,052.22
(f)	Libraries	18,000.00
(h)	Public Works	251,382.35
(k)	Engineering	8,928.48
	Total operating	784,112.81
	Debt Service	
	Principal and Interest	
	General Refunding Bonds	300,000.00
	Water Refunding Bonds	200,000.00
	Judgment Funding Notes	13,041.77
	Total Debt Service	513,041.77
	Total Appropriations	$1,297,154.48

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the budget as presented to the City Council by the City Manager on the 5th day of August, 1937 covering the City of Asheville operating and debt service appropriations, as outlined above, the total being $1,297,154.48, be approved and the same is hereby adopted as the budget of the City of Asheville for the fiscal year 1937-1938.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted this 5th day of August, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

The meeting was on motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Thursday, August 12, 1937--8:00 P.M.

The City Council met in regular session, Thursday afternoon, August 12, 1937, with Mayor Wells presiding. Present: Councilmen Walter Brown, J. V. Divelbiss, Jr., H. G. Etheridge, C. B. Bamford, Eugene Carland, Robert M. Wells, Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Resolution authorizing the Mayor to execute quit-claim deed to A. C. Bryson, was upon motion of Councilman Carland, seconded by Councilman [illegible], unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED.

WHEREAS, the City acquired through tax foreclosure certificates of title for numerous lots of land for the year 1927; and

WHEREAS, the General Assembly of North Carolina at its 1937 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief, being Public Laws 1937, ratified March 21, 1937 gives any governmental unit which acquired title to any real estate the power and authority to reconvey to the original owner said property upon the payment of taxes, cost, 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold subject to sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	WHERE LISTED TO
6391	A. C. Bryson	79	1[illegible]	[illegible]	[illegible] A. C. Bryson

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

SECONDED BY: C. B. Bamford
Councilman

Read, approved and adopted this 12 day of August, 1937.

E. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the Mayor to execute quit-claim deed to County of Buncombe was upon motion of Councilman Carland, seconded by Councilman Bryson, unanimously adopted.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO COUNTY OF BUNCOMBE.

WHEREAS, the Board of Financial Control for Buncombe County acquired title to a number of pieces of property through liquidation of collateral security which belonged to the City of Asheville or the County of Buncombe, or both; and

WHEREAS, by an act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or held by said Board was transferred to the City of Asheville and the County of Buncombe as their interest may appear; and

WHEREAS, the records of the City of Asheville, the County of Buncombe and the Board of Financial Control reveal that the County of Buncombe is the sole owner of a certain piece of property, located in the City of Asheville on the Swannanoa Road, and being Lots 133, 135 and 137, Sheet 1, Ward 8, and also known as Lots 11, 13 and 15 of a plat of the property of the Guaranty Realty Company, plat of which is recorded in the office of the Register of Deeds in plat book 5 page 68; and

WHEREAS, it has been pointed out that the records in the office of the Register of Deeds do not reveal the true ownership of said property and the County of Buncombe has requested the City of Asheville to execute a quit-claim deed for said property in order to clear up any question as to the ownership and title; and

WHEREAS, the City of Asheville does not own and claims no interest in the property above mentioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized to execute a quit-claim deed to Buncombe County for the property above mentioned.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

SECONDED BY: Holmes Bryson
Councilman

Read, approved and adopted this 12 day of August, 1937.

E. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

The Mayor reported to the Council that in accordance with and pursuant to a written resolution adopted by the Council at a regular meeting on July 29, 1937, he and the City Clerk had executed in the name of and for and in behalf of the City of Asheville, N. C., the street lighting contract with Carolina Power & Light Company, and that the executed original counterparts of same had been delivered to Carolina Power & Light Company for execution by it.

Resolution Adopting and Approving the Acts of the Mayor and City Clerk in Signing, Executing and Delivering a Contract with and to the Carolina Power & Light Company after the City Council of the City of Asheville had taken action on said Contract July 29, 1937, was upon motion of Councilman Carland, seconded by Councilman Bamford, unanimously adopted. A roll call was taken and Councilman Bryson voted "aye", Councilman Livelbiss voted "aye", Councilman [illegible] voted "Aye" Councilman Carland voted "aye"; Councilman Bamford voted "aye" and Councilman Wells voted "aye".

RESOLUTION

RESOLUTION ADOPTING AND APPROVING THE ACTS OF THE MAYOR AND CITY CLERK IN SIGNING, EXECUTING AND DELIVERING A CONTRACT WITH AND TO THE CAROLINA POWER & LIGHT COMPANY AFTER THE CITY COUNCIL OF THE CITY OF ASHEVILLE HAD TAKEN ACTION ON SAID CONTRACT JULY 29, 1937.

WHEREAS, the Council, at a regular meeting on July 29, 1937, read and considered a written proposed contract with Carolina Power & Light Company for street lighting service, dated July 30, 1937, and providing for the beginning of service on the first day of July, 1937, and ending on the first day of July, 1947, to which contract was attached in writing the Company's schedule of rates and rules and regulations covering such service; and

WHEREAS, after the reading and consideration of said written contract, which had been approved as to legal form by the Corporation Counsel, Councilman Holmes Bryson introduced a written resolution, and moved its adoption, authorizing and empowering the Mayor and the City Clerk, in the name of and for and in behalf of the City of Asheville, N. C., to execute said street lighting contract with Carolina Power & Light Company; and the motion to adopt said resolution having been taken, and there being six (6) votes in favor of said written resolution and no votes against it, the Mayor announced that the resolution had carried and was duly adopted; and

WHEREAS, the Mayor having reported to the Council at this meeting that in accordance with and pursuant to the adoption of said written resolution, he and the City Clerk had, in the name of and for and in behalf of the City of Asheville, N. C., executed said street lighting contract with Carolina Power & Light Company and had delivered the executed original counterparts of same to Carolina Power & Light Company for execution by it, all in accordance with the said resolution adopted by the Council on July 29, 1937;

OF ASHEVILLE: NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY

That the acts of the Mayor and the City Clerk in executing in the name of and for and in behalf of the City of Asheville, N. C., the said contract with Carolina Power & Light Company for street lighting service, dated July 30, 1937, and providing for the beginning of service on the first day of July, 1937, and ending on the first day of July, 1947, to which contract is attached Company's schedule of rates and rules and regulations covering such service, and the delivery of said original executed couterparts of said contract to Carolina Power & Light Company, are hereby fully approved, ratified and confirmed by the Council, and the said contract lighting contract with said Carolina Power & Light Company is declared to be duly signed, executed and delivered in the name of and for and in behalf of the City of Asheville, N. C.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

SECONDED BY: C. B. Bamford
Councilman

Read, approved and adopted, this 12 day of August, 1937.

B. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Petition signed by residents on Richmond Avenue requesting street light in the center of the last block was received, and referred to the City Manager.

The meeting was on motion, adjourned.

Mayor.

Glenn Morris
City Clerk

Thursday, August 19, 1937, 4:30 P.M.

The City Council met in regular session, Thursday afternoon, August 19, 1937, with Vice-Mayor Bryson presiding. Present: Councilmen J. E. Rivelbiss, Jr., H. G. Etheridge, C. D. Bomford, Eugene Carland, Robert E. Shuford, Holmes Bryson, P. W. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

T

An Ordinance adopting and Appropriating the operating budget of the City of Asheville for the fiscal year 1937-1938, was upon motion of Councilman Robert E. Shuford, seconded by Councilman Rivelbiss, unanimously passed on its first reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Rivelbiss voted "aye", Councilman Shuford voted "aye", Councilman Etheridge voted "aye", Councilman Bomford voted "aye" and Councilman Carland voted "aye".

Mr. James S. Howell Attorney, requested permission on behalf of W. C. Allen, Herman Leonard and L. J. Leonard, who plan to incorporate and operate a cemetary for colored under the name of the Shiloh Park and Cemetary Company. This was referred to the City Manager.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday August 26, 1937--4:30 P.M.

Mayor Robert W. Wells called the meeting to order, but as no quorum was present, the meeting was adjourned until the next regular session.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, September 2, 1937--4:30 P. M.

The City Council met in regular session Thursday afternoon, September 2, 1937, with Mayor Robert M. Wells presiding. Present: Councilmen Holmes Bryson, J. E. Rivelbiss, Jr., Robert E. Shuford, H. G. Etheridge, C. D. Bomford, Eugene Carland, Robert M. Wells, P. W. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of previous meetings were read and approved.

Resolution authorizing the Mayor to execute lease with General Outdoor Advertising Company was upon motion of Councilman Robert E. Shuford, seconded by Councilman H. G. Etheridge, unanimously passed.

RESOLUTION

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE WITH GENERAL OUTDOOR ADVERTISING COMPANY.

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place certain signs on a certain lot designated in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

Robert E. Shuford
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted this 2 day of September, 1937.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Upon motion of Councilman J. E. Rivelbiss, Jr., seconded by Councilman Shuford, the following resolution was unanimously passed.

RESOLUTION APPROVING PLAN OF CITY MANAGER IN RE-ROUTING CERTAIN BUS LINES OF THE CAROLINA POWER & LIGHT COMPANY

WHEREAS, the City Manager of the City of Asheville presented to the City Council a certain plan to re-route certain bus lines of the Carolina Power & Light Company under its franchises and permits, and the City Council of the City of Asheville having approved same for the best interests of the citizens of Asheville and the public generally;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That it is not the intention of the City Council, in approving any change in the routing of the bus transportation lines of the said Carolina Power & Light Company, to grant to the said Carolina Power & Light Company any new franchise or franchise rights, and that the acquiescence of the City in said proposed plan shall not be construed as granting to the said Carolina Power & Light Company any franchise rights or privileges which are not now owned by it over the streets involved in said proposed new route, and it is understood that in the event the Carolina Power & Light Company, through its willingness to cooperate with the governing authorities of the City of Asheville, operates its bus transportation service over Williams, Elizabeth and Flint Streets, as proposed, or over any other street or avenue in the City

on which it does not now own franchise rights, the same shall be operated under permits granted from year to year by the lawful authority of the City, and that by such operation the said Carolina Power & Light Company shall acquire no new franchise rights or privileges which it does not now own with respect thereto.

BE IT FURTHER RESOLVED: That the said Carolina Power & Light Company, in the event of its adoption and use of this new proposed route, is hereby temporarily relieved of the duty and responsibility of operating bus transportation service along Broadway between the intersection of Broadway with Merrimon Avenue and the intersection of Broadway with Elizabeth Street, and along Mt. Clare Avenue between the intersection of Mt. Clare Avenue with Hillside Street and the intersection of Mt. Clare Avenue with Speers Avenue.

BE IT FURTHER RESOLVED: That the said Carolina Power & Light Company, by acquiescing in the proposed change in its regular Broadway Route, and the operation of its service thereunder, does not waive or surrender any of its franchises, franchise rights or privileges now owned and held by it with respect to operating and maintaining its transportation service on Broadway, Mt. Clare Avenue, or any other street or avenue in the City, and that the willingness of the said Carolina Power & Light Company to cooperate with the City authorities with respect to the proposed change shall not be construed as abandonment on the part of the said Carolina Power & Light Company of any franchises, franchise rights and privileges which it now has on Broadway, Mt. Clare Avenue, or on any other street or avenue in the City, and that the said Carolina Power & Light Company, in consenting to the proposed change, expressly reserves all of the franchise rights and privileges which it now has to operate bus transportation service on said Broadway and Mt. Clare Avenue, and that the said Company expressly reserves the right, in the event the proposed new route proves inpracticable, or in the event the proper authorities of the City should at any time refuse annual permits to operate its bus transportation service over the new streets designated in the foregoing proposed to abandon and discontinue said new route and to resume its Broadway Route as presently operated, and such franchises, rights and privileges are hereby expressly reserved to the said Carolina Power & Light Company.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

SECONDED BY: Robert E. Chuford
Councilman

Read, approved and adopted, this 2 day of September, 1937.

E. W. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the Mayor to execute quit-claim deeds was upon motion of Councilman H. G. Etheridge, seconded by J. E. Divelbiss, Jr., was unanimously adopted as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS

"WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

"WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

"WHEREAS, Section 4 of said tax relief bill bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising and sale; and

"WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNERS	LOTS	SHEETS	WARDS	MAKE DEED TO
2262	W. B. Westall	115	11	5	J. F. Hall and wife, Grace
2052	Ray Nichols	58½	12	5	Elizabeth B. Slater

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the holders upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the years in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

H. G. Etheridge
Councilman

Seconded by: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted this 2 day of September, 1937.

E. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

Ordinance No. 245, an ordinance adopting and appropriating the operating budget of the City of Asheville for the fiscal year 1937-38 was upon motion of Councilman Robert E. Chuford, seconded by Councilman J. E. Divelbiss, Jr., unanimously passed on its second reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Divelbiss voted "aye" Councilman [illegible] voted "aye" Councilman Etheridge voted "aye", Councilman Rumford voted "aye", Councilman Carland voted "aye", and Councilman Wells voted "aye".

Upon motion of Councilman J. E. Divelbiss, Jr., the name of [illegible]. Brown was proposed to fill the vacancy on the Civil Service Board caused by the death of Mr. Gilliland Stikeleather, the motion was seconded by Councilman Eugene Carland, and Mr. Brown was unanimously elected to fill said vacancy.

On motion, the meeting was adjourned.

E. W. Wells
Mayor

Glenn Morris
City Clerk

Thursday, September 9, 1937--4:30 P. M.

The City Council met in regular session Thursday, Sept. 9, 1937, with Mayor Robert M. Wells presiding. Present: Councilmen Holmes Bryson, J. F. Bamford, Eugene Carland, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

"

Ordinance No. 245, entitled, "An Ordinance Adopting and Appropriating the Operating Budget of the City of Asheville for the Fiscal year 1937-1938, was passed on its third and final reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye" and Councilman Wells voted "aye". The ordinance was order published in a daily newspaper to become effective the 25 day of September, 1937.

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1937-1938.

WHEREAS, on the 5th day of August, 1937 the City Council of the City of Asheville adopted an operating budget in the amount of $784,112.81 with a debt service of $513,041.77, making a total appropriation of $1,297,154.58;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following operating budget is hereby adopted and the amounts indicated herein appropriated for the operation of the different departments of the City of Asheville for the fiscal year beginning July 1, 1937 and ending June 30, 1938, inclusive:

(a)	General Government	$129,978.70
(b)	Law	20,787.50
(c)	Finance	26,792.46
(d)	Public Welfare	41,191.10
(e)	Public Safety	287,052.22
(f)	Libraries	18,000.00
(h)	Public Works	251,382.35
(k)	Engineering	8,923.48
	Total operating	784,112.81

Debt Service

Principal and Interest

General Refunding Bonds	300,000.00
Water Refunding Bonds	200,000.00
Judgment Funding Notes	13,041.77
Total Debt Service	513,041.77
Total Appropriations	1,297,154.58

Section 2. That a tax rate of $1.47 per $100.00 valuation upon all property of every nature within the corporate limits of the City of Asheville (57¢ per $100.00 valuation for debt service, and 90¢ per $100.00 valuation for operating expenses) be and the same is hereby levied, and ordered to be collected in accordance with law for the fiscal year 1937-1938, as aforesaid.

Section 3. That the Director of Finance of the City of Asheville is hereby authorized to make the expenditures for the operation of the departments of the City of Asheville and debt service in accordance with the budget adopted and approved as aforesaid.

I move the adoption of the foregoing ordinance, this 19 day of August, 1937.

Robert F. Shuford
Councilman

Seconded by: J. F. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 9 day of September, 1937, to become effective 26 day of September, 1937.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

On motion adjourned.

R. M. Wells
Mayor.

City Clerk

Thursday, September [illegible], 1937- 4:[illegible] P.M.

Vice-Mayor Holmes Bryson called the meeting to order, [illegible] quorum was present, the meeting was adjourned until [illegible] date.

City Clerk

Vice-Mayor

Holmes Bryson.

Thursday, [illegible] 1937- [illegible] P.M.

The City Council met in regular session Thursday, [illegible], with Mayor Robert M. Wells presiding. Present: [illegible] J. F. Divelbiss, Jr., Robert F. Shuford, W. C. [illegible], J. [illegible] Carland, Robert M. Wells, P. M. Burdette, City Manager, [illegible] Corporation Counsel. Minutes of the previous meeting [illegible]

Invitation was received from the International City Managers' Association to attend the 23rd Annual Conference to be held at New Orleans, October 18 to 21.

Invitation was received from the National Institute of Municipal Law Officers to the Annual Conference to be held in Washington [illegible]

Lee & Lee, attorneys, presented a claim against the City of Asheville on behalf of the American Savings Bank Company as follows, which was referred to the City Manager and Corporation Counsel.

NORTH CAROLINA
BUNCOMBE COUNTY.

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE, STATE OF NORTH CAROLINA:

The American Savings Bank Company, a banking corporation, [illegible] under the laws of the State of Ohio, with its principal [illegible] and also of business in the City of Cleveland, [illegible] and through its attorneys, Lee & Lee, of Asheville, N. C., [illegible] and make known for the immediate payment upon [illegible] City of Asheville, of that certain judgment, [illegible] rendered by the United States District Court on the [illegible] August, 1932, in the cause entitled [illegible]: "The American Savings Bank Company, a corporation, plaintiff, vs. [illegible] Municipal Corporation, et als, defendants", said judgment [illegible] to the sum of Fifty-two Hundred Twenty-five ($5225.00) Dollars [illegible] with interest on Five Thousand ($5,000.00) Dollars from [illegible] 1932, interest on One Hundred Twelve and 50/100 ($112.50) [illegible] from October 1, 1931, and interest on One Hundred Twelve and 50/100 ($112.50) Dollars from April 1, 1932, all at the rate of [illegible].

If there are not sufficient funds in the treasury of the City of Asheville to pay said judgment, interest [illegible] judgment creditor makes this further demand upon the governing Body of the City of Asheville:

must then be immediately levied a tax on all taxable property of the City of Asheville sufficient only to pay said decrease in full the aforesaid [illegible] for the year 1937, and that said levy be included with other taxes for the year 1937 and be collected as by law provided.

And the person or persons designated by law to collect taxes for the City of Asheville be ordered and directed by your Honorable Board and given full authority as may be required by law to collect said additional or increased levy.

This the 26th day of August, 1937.

Respectfully submitted,

AMERICAN SAVINGS BANK COMPANY,

By LEE VAN LEER
Attorneys.

[illegible] duly made this the 27th day of August, 1937, upon the City of Asheville and its [illegible] for the payment of the judgment, interest and costs as set forth above. Receipt of copy of this notice duly acknowledged.

Al Ann Norris, City Clerk
Received this the 27, 1937.

Petition was filed by the South Pack Square merchant's requesting that a [illegible] be placed in front of the stores by the Carolina Power & Light Company [illegible] to the monument site of the Square in order to eliminate [illegible] in front of the merchants places of business in this block. This was referred to the City Manager.

Notice of claim for alleged injury and damages was filed by Corrie Harris [illegible] Attorney Sanford Brown, as follows:

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

BEFORE THE CITY MANAGER, MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE.

CORRIE HARRIS, :
Plaintiff :
vs. :
CITY OF ASHEVILLE & :
CAROLINA POWER & LIGHT COMPANY :
Defendants :

CORRIE HARRIS, claimant above named, hereby gives notice and makes claim as follows:

1.

That the claimant's main is 35 years of age; that she is married and resides at #41 Phifer Street in the City of Asheville, N. C.

2.

That the claimant was injured and damaged from stepping into a hole in the grass strip between the sidewalk and the street will claim from a Carolina Power & Light Company Bus about 9:15 P.M., on Monday, July 19, 1937, at a point on the west side of Court [illegible] at its intersection with Phifer Street in the aforesaid City, County, and State.

3.

That the hole referred to was at or near three large [illegible] trees [illegible] which the City of Asheville had negligently permitted to become in a bad state of repair, dilapidated and defective to the extent that the dirt had fallen away and sunk in until same formed a deep hole, which threw the claimant when she stepped into same in the dark in alighting from the bus upon which she had been riding on the occasion complained of, and that in said fall the claimant twisted and wrenched her left leg, badly sprained her left knee and hip, sprained, lacerated and bruised her right arm, elbow and shoulder and severly strained her back, all to her excruciating pain, suffering and discomfort, and that she has been disabled therefrom ever since and has been forced to lose much time from her normal remunerative duties, and has been put to much expense in obtaining medical treatment, buying medicines and obtaining other care, and that all of same has

[illegible] and that [illegible] amount, upon [illegible] notice of [illegible] claim for the sum of [illegible] ($2000.00) dollars that the City [illegible] Power and Light Company, both jointly and severally, and for such [illegible] relief as [illegible] and proper.

[illegible]

This claim was referred to the City Manager and Corporation Counsel.

Notice of claim for damages was filed by [illegible] Mr. William Stringfellow for $212.00 on account of [illegible] from stock room at [illegible] Park Lodge Pavilion. Referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

GUY [illegible] :
vs. :
CITY OF [illegible] :

To the Honorable Mayor and
The City Council of the City
of Asheville:

GUY [illegible] hereby files this his claim [illegible] of Asheville for damages for the loss [illegible] and sets forth as follows:

1. That the date on which the loss occurred [illegible] were sustained was Saturday August 14, 1937.

2. That the place where the loss occurred was in the [illegible] pavillion of the Asheville Recreation Park, [illegible] operated by the City of Asheville.

3. That the manner in which said loss was incurred [illegible] follows: that the claimant, Guy [illegible], [illegible] in an orchestra known as Al Dunn and his [illegible], regularly at the Asheville Recreation Park, [illegible] leave his saxophone in the stock room at the pavillion at the conclusion of each evening's [illegible], leave his saxophone in said stock room on Saturday, [illegible] That on the following Monday the claimant [illegible] found it to be gone, [illegible] Monday preceding, one John Thrash, an [illegible] and an employee of the City of Asheville, [illegible] room unlocked and unattended over a period of [illegible] time said saxophone was stolen, a statement to [illegible] made by the said John Thrash in the presence of [illegible] Mr. Proctor, the manager of the Asheville Recreation Park.

4. That it has been customary, [illegible] for musicians coming on the [illegible] in the stock room at the [illegible] manager of the Asheville Recreation Park.

5. That as a result of the [illegible] of Asheville, this claimant has been [illegible] the use thereof since the time of the loss, [illegible] the amount of the value of the instrument in the sum of [illegible] which payment is immediately demanded.

This the 23 day of September, 1937.

[illegible]

Resolution authorizing the Mayor to execute quit-claim deed was upon motion of Councilman Divelbiss, seconded by Councilman Garland, unanimously passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings, absolute title for one or more pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has or in the future may acquire title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $7.00 costs, without a public sale; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	FORMER OWNER	LOT	SUBD'N	WARD	WAS BID IN
713	Mamie Sandler	22½	15	3	John M. Goldsm

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and current year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: Eugene Garland
COUNCILMAN

Read, approved and adopted this 23 day of September, 1935.

Robert W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL.

Ordinance No. 336, entitled, "An Ordinance Establishing a Building Line on Haywood Street in the City of Asheville beginning at the Intersection of Pen Avenue and extending to the Intersection of Oteola Avenue and Glenman Avenue", was passed on its first reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Stuford voted "aye" Councilman Stevens voted "aye" Councilman Bamford voted "aye" Councilman Garland voted "aye" and Councilman Wells voted "aye".

On motion the meeting was adjourned.

B. M. Wells
Mayor

Glenn Morris
City Clerk

The City Council met in regular session [illegible], with Mayor Robert W. Wells presiding, and Councilmen J. E. Divelbiss, Robert D. Stuford, H. G. Stevens, C. B. Bryson, Eugene Garland, and Corporation Counsel Philip C. Cooke, Jr. [illegible] meeting were read and approved.

Resolution authorizing the Mayor to execute quit-claim deed was upon motion of Councilman C. B. [illegible], seconded by Councilman J. E. Divelbiss, unanimously passed.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings, absolute title for one or more pieces of property for the year 1927; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has or in the future may acquire title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $7.00 costs, without a public sale; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	FORMER OWNER	LOT	SUBD'N	WARD	WAS BID IN
5405 (1927) 295 (1928)	[illegible] Inv.	140	15	[illegible]	[illegible]

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same upon payment of the taxes above referred to, and current year taxes, together with interest and costs as above set out, and the listing of the property for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. B. Bryson
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted this 23 day of September, 1935.

R. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cooke, Jr.
CORPORATION COUNSEL.

Ordinance No. 336, entitled, "An Ordinance Establishing a Building Line on Haywood Street in the City of Asheville beginning at the Intersection of Pen Avenue and extending at the Intersection of Oteola Avenue and Glenman Avenue", was passed on its second reading. A roll call was taken, and Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Stuford voted "aye", Councilman Stevens voted "aye", Councilman Bamford voted "aye" Councilman Garland voted "aye" and Councilman Wells voted "aye".

Resolution prepared by the Hon. Robert Lathan, editor of the Asheville Citizen, expressing appreciation of Councilman Pickens, seconded by Councilman Bamford, adopted by the Council.

RESOLUTION EXPRESSING THE DEATH OF ROBERT LATHAN

WHEREAS, Robert Lathan, distinguished editor of the Asheville Citizen, died December 27, 1937; and

WHEREAS, the City Council begins to join in the nation-wide sorrow which it feels at this time to his work; and

WHEREAS, members of his editorials will miss his sound judgment in every phase of this community, state and larger affairs;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That it expresses the great loss to the community in which he practiced journalism for a quarter of a century, and that the members of the City Council, individually and as a body, express to Mr. Lathan's family the deepest of sympathy at his passing, and that a copy of this resolution is hereby ordered spread upon the minutes of the City of Asheville, a copy sent to the press, and a copy sent to the family of Mr. Lathan.

I move the adoption of the foregoing resolution.

C. A. Pickens
Councilman

Seconded by: C. A. Bamford
Councilman

Read, approved and adopted this the 28 day of September, 1937.

E. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

Mr. J. M. Smith, City Engineer, was absent on account of illness, and matters referred to him will be reported until the next regular meeting.

Councilman Bryson made inquiry as to the danger of thin ice in the ponds being used by children, and asked the Corporation Counsel to look into the matter, and report at the next meeting, with the idea of drafting suitable ordinance.

On motion adjourned.

E. W. Wells
Mayor

Glenn Morris
City Clerk

The City Council met in [illegible] session, [illegible]:

Present: Mayor E. W. Wells, presiding, and Councilmen C. A. Pickens, Jr., Robert W. Gudger, H. E. [illegible], Clay Williams, J. [illegible] Smith, Robert W. [illegible], C. A. Bamford, Jr., Corporation Counsel.

Absent: None.

Councilman [illegible] moved that C. A. Pickens, Jr., [illegible] unable to find any [illegible] Council could pass [illegible]

Resolution [illegible] the Mayor to execute [illegible] State Government [illegible] Councilman [illegible], and adopted, unanimously [illegible].

RESOLUTION [illegible] THE CITY COUNCIL

WHEREAS, the United States Government [illegible] right-of-way in the vicinity [illegible]; and

WHEREAS, the [illegible] Asheville [illegible] the Beach Yard [illegible] in this [illegible]; and

WHEREAS, the [illegible] the above [illegible] within this [illegible];

NOW, THEREFORE, [illegible] ASHEVILLE:

That the [illegible] right-of-way [illegible]

Lying in Buncombe County, North Carolina, and within the corporate limits of the City of Asheville, and being a part of the right-of-way of the Southern Railway Company, and more particularly described as follows, to-wit:

BEGINNING at Corner 1, a stake in the Southern Railway Company's property line, said point of beginning being [illegible] triangulation station "Beaver Dam" and running N 71° 31' E, 1.45 chains from Corner 1, a stake, at new location corner, thence S 18° 29' E, 0.45 chains to Corner 2, a stake, at new location corner, thence N 71° 31' E, 1.45 chains to Corner 3, a stake, at new location corner, thence N 18° 29' W, 0.45 chains to Corner 4, a stake, at new location corner, thence N 71° 31' E, 0.45 chains to Corner 5, a stake, at new location corner, thence S 18° 29' E, 0.45 chains to a stake in the line of property [illegible], thence S 71° 31' W, 3.35 chains to a stake in the line of property [illegible], thence N 18° 29' W, 0.45 chains to the BEGINNING, containing 0.68 acres, more or less.

This right-of-way is granted for the purpose of [illegible] to work within [illegible] limits.

I move the [illegible] resolution.

J. C. [illegible], Jr.
Councilman

Seconded by: E. W. [illegible]
Councilman

Read, approved and adopted, this the [illegible] day of [illegible], 1937.

E. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

[illegible] adoption of the City Manager to advertise cert[ain] City property [illegible] motion of Councilman Bryson, [illegible] Councilman Dive[lbiss], unanimously [illegible].

RESOLUTION AUTHORIZING CITY MANAGER TO ADVERTISE CERTAIN CITY PROPERTY FOR SALE.

WHEREAS, there have been offers made to the City of Asheville for certain property in Swannanoa Township, being Lots 17 and 18, Chart 11, Map 3; and

WHEREAS, the City acquired said property from the Board of Financial Control; and

WHEREAS, the City of Asheville is desirous of selling said property to the highest bidder;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the City Manager is hereby authorized and empowered to advertise said property for sale in accordance with statute, and sell same at the Court House door to the highest bidder, Lot 17 being more particularly described in deed recorded in Book 431 at page 169, and Lot 18 being more particularly described in deed recorded in Book 427 at page 112. The City reserves the right to reject any and all bids.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 7 day of October, 1937.

E. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Read, approved and adopted, this 7 day of October, 1937.

E. M. Wells
Mayor

Glenn Morris
City Clerk.

APPROVED AS TO FORM:

Philip C. Cocke, Jr.

An Ordinance entitled, "An Ordinance establishing a building line on Haywood Street in the City of Asheville beginning at the intersection of Oakdale Avenue and Clingman Avenue," was passed on its third reading. A roll call was taken on the passage of the ordinance, Councilman Bryson voted "Aye", Councilman Divelbiss voted "Aye", Councilman [illegible] voted "Aye", Councilman Wells voted "Aye", Councilman Garland voted "Aye," and Councilman [illegible] voted "Aye". The ordinance will become effective fifteen days after its publication.

ORDINANCE NO. [illegible]

AN ORDINANCE [illegible] BUILDING LINE ON [illegible] IN THE CITY OF ASHEVILLE BEGINNING AT THE INTERSECTION OF OAKDALE AVENUE AND CLINGMAN AVENUE.

WHEREAS, the City Council of the City of Asheville [illegible] to establish a building line on Haywood Street from the intersection of Oakdale Avenue, including all of Haywood Street, to the intersection of Page Avenue and Clingman Avenue, for the purpose of protecting [illegible] that in the future the City may have to [illegible] Street from the points mentioned above;

NOW, THEREFORE, BE IT ORDAINED BY THE [illegible] OF ASHEVILLE:

Section 1. That a building line be and the same is hereby established on the north and south side of Haywood Street in the City of Asheville beginning at the intersection of Oakdale Avenue and Clingman Avenue, thence in a northern direction to the intersection of Cumberland Avenue and Haywood Street, thence in a western direction to the intersection of Mount Pleasant Road and Haywood Street, thence in a western direction to the intersection of Montford Avenue and Haywood Street in a western direction to the intersection of [illegible] Haywood Street in a western direction to North Ann Street, thence in a western direction to the intersection of Clingman Avenue and Haywood Street, thence in a western direction to the intersection of Clingman Avenue.

Section 2. That said building line to be that building line [illegible] City of Asheville map #4-1000 on file in the office of the Register of Deeds of Buncombe County, a copy of which map is [illegible] ordinance, said building line to vary from the [illegible] Page Avenue to the intersection of Clingman Avenue and Haywood Street as shown on said map.

Section 3. It shall be unlawful for any person, firm or corporation [illegible] to erect any structure within said building line [illegible] above.

Section 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and shall be fined not more than Fifty Dollars for each and every offense, and each day such violation continues shall constitute a distinct and separate offense.

I move the adoption of the foregoing ordinance, this [illegible] day of September, 1937.

C. B. Garland
COUNCILMAN

SECONDED BY: Holmes Bryson
COUNCILMAN

Read, approved and adopted, this 7 day of October, 1937, to become effective 25 day of October, 1937.

E. M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Mayor Wells appointed each member of the City Council on a committee to use their influence to make AIR-MAIL Week Oct. 11-16 a success in this City.

There being no further business on motion the meeting adjourned.

Mayor.

City Clerk.

Thursday, October 14, 1937 -- 10:30 A.M.

The City Council met in regular session, Thursday, October 14, 1937, with Mayor Robert H. Wells presiding. Present: Councilmen Holmes Dyson, J. V. Shuford, Jr., Edward W. Taylor, H. G. Etheridge, C. B. Rumford, Eugene Copeland, Robert H. Wells, and City Manager P. W. Burnette. Minutes of the previous meeting were read and approved.

The Auditorium Committee appointed by Mayor Wells, composed of the following: C. Vanderbroom, George Coggins, J. Y. Jordan, Jr., Fred D. Wade, and P. W. Burnette, City Manager, made the following report to the City Council:

Mr. Mayor and Gentlemen of the City Council:

I do not know how you have given our Committee to understand that you are anxious to receive an official report from us as to the results of the campaign which we launched some six weeks ago for the formation of a fund from which to build a Convention Hall and Auditorium.

I wish I could--oh, how I had hoped-- to be able to appear before you and announce that our goal of $125,000.00 was not only reached, which would have been just enough to build a barely suitable Auditorium, but that the spirit and enthusiasm of all citizens had carried our accomplishments far beyond $125,000.00! Then we could be built and equipped a Community center of which you and we, and every citizen of Asheville, would have been proud for the rest of our lives.

In presenting to your Council the result of our campaign, I am sorry to say that we have not been successful.

Although in our brochure we had stated that the cost of an adequate building on the plans as submitted from the hand of the Architect, Mr. Linsey Gulick, and approved by your Council, would lie between $110,000.00 and $125,000.00, as was indicated at the time by the reports of governmental authorities in Raleigh and Washington, we have come to the conviction more and more as the duration of the campaign had to be prolonged that it would be well-nigh impossible to build a Convention Hall and Auditorium in any way commensurate with the present needs of Asheville for less than $125,000.00, and that even at that figure it will barely be possible to provide the building with seats and stage equipment. We had to take into consideration that since plans were worked out at that figure prices of building materials went up considerably; so have wages. Also the possibility should not be lost sight of that through unforseen circumstances the total amount of pledges might somewhat shrink when it comes to actual payment of the amounts.

At the present time we have secured in pledges and returns from benefits a little over than $112,000.00, including the amount of $50,000.00, for which the City is prepared to participate in this fund. This leaves a total amount of subscription from citizens and business firms of $62,000.00 of the $75,000.00 which we had set out to raise as our minimum goal. There is, therefore, an amount of $13,000.00 still lacking.

It has taken us considerable time--as a matter-of-fact, several months longer than we originally expected--to secure a definite pledge from the majority of the larger commercial and industrial concerns, most of which had to obtain the approval of their executive centers in other cities, such as New York, Chicago, Atlanta, Charlotte, St. Louis, etc. Vacation periods, changes of managers, serious illness of several of the key men in such organizations, European absences and the difficulty of presenting a local problem, such as this one, by mail to the central offices of national organizations, all these obstacles combined to retard our progress. The fact that this matter had to be laid before the central head offices which administer the affairs of enormous chains of branch offices spread all over the United States, usually via the Regional Supervisors, made it doubly difficult to receive prompt and adequate consideration of our project.

[illegible] list from which [illegible] and about four [illegible] the three whom you'll [illegible] yielding an amount of about $2,[illegible] with the spirit of co[illegible] [illegible] by many [illegible]

[illegible] both ways, [illegible] [illegible] beginning of our campaign in [illegible] [illegible] [illegible] bution if such plan [illegible] our purpose. [illegible] [illegible] their subscriptions.

There are [illegible] [illegible] rescue if it is [illegible] [illegible] might be induced [illegible] of which we [illegible] $5,000.00.

The total amount, [illegible] be around $1,000.00, [illegible] $125,000.00 or [illegible].

A list of all [illegible] [illegible], [illegible] your Council, with [illegible] collection now or [illegible] ler amount of about $[illegible], all [illegible] originating from [illegible] and private citizens [illegible] England.

I further submit [illegible] pledges and donations [illegible] incurred.

With the [illegible] about two weeks [illegible] with the vast [illegible] register day for [illegible] in of cash and checks [illegible] sary to hire clerical [illegible], of which you will find [illegible] th large amount of letters, [illegible] to prepare in a rush [illegible] on these items. You will also find [illegible] the three hundred [illegible] the initiation of the [illegible]. A part of this money, [illegible] to us by the various [illegible] luncheons and [illegible] expenditures [illegible] unavoidable [illegible] find that we have [illegible] with the result of submitting to you an account [illegible].

We are at this [illegible] whose salary will [illegible] necessary for the liquidation of [illegible].

A small amount of petty cash had to be kept on hand for minor [illegible] turns occurring during the day, a specification of which you will find attached, with the amount of actual cash [illegible] pond with the balance of the statement.

In order to have a record to show to any [illegible] to the collection of [illegible], it is [illegible] if you could give us the [illegible] a final report [illegible] cash in the bank and [illegible].

With these figures [illegible], it is now [illegible] of the City Council to decide whether [illegible] undertaking of the building of our Convention Hall by the City [illegible] will not be possible.

Except for the [illegible] before and on which our Committee is still working, [illegible] can offer any further promises of financial aid [illegible] would be offered spontaneously by the public at large now that [illegible] has gone on record and thereby has definitely and publicly [illegible] pelled those unwarranted and at the same time most injurious [illegible], to our interest, detrimentally harmful rumors making [illegible] of the necessary funds would have been underwritten or that our Committee [illegible] intentionally kept some large subscriptions out of publication. [illegible] ments were untrue at all times and when ever they were proposed.

In view, however, of the above mentioned necessary continuation of the activities, we feel it to allow us to prolong these endeavors until such time as we can present to you the final result of our work and then will request of you a carefully itemized discharge of the duties to which you have called us.

In the meantime, it is with the understanding that we find the present status in which we find the [illegible] to have been instrumental to our [illegible].

We wish to thank the members of our original Committee and those who have served with us from time to time, let me say that the interest given to [illegible] time spent thereon has been nothing short of admirable and we are indebted to the generous and [illegible] will be most certain and strenuous [illegible].

[illegible], if all concerns and citizens would be as considerate [illegible] in a spirit, like ours, enthusiastic way as a [illegible] of civic betterment--to be sure, in several cases at a cost [illegible] and have been able to build a monument of civic stimulation, [illegible]. No matters what now, however, it is the responsibility of those who left the burden of accomplishment to others to [illegible] the burden of any future criticism of the shortcomings [illegible] it ever will be built up on the circumstances.

C. Vanderhoeven,
Chairman of Auditorium Committee.

[illegible] by the Council.

The Mayor and City Council thank the Committee for its excellent work, and upon motion, unanimously carried, that the committee be retained as a "Building Committee." This motion unanimously carried.

Upon motion authorizing the Mayor to execute quit-claim deed was upon motion of Councilman Bumford, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for nonpayment of taxes for the year 1925; and

WHEREAS, the General Assembly of North Carolina at its 1927 session enacted a tax relief bill; and

WHEREAS, Section 7 of said tax relief bill, being House Bill 707 ratified March 21, 1925 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $5.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LAST OWNER	LOT	SQUARE	WARD	NAME OF PURCHASER
3504	Vanderbilt L. Justice	27	8	6	Vanderbilt L. Justice

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and directed to execute quit-claim deed to the property hereinabove set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the [illegible] upon payment of the taxes above referred to, and prior year taxes, with interest and costs as above referred to, and the listing of the same for taxes for the period in which the title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. B. Bumford
Councilman

Seconded by: H. C. Etheridge
Councilman

Read, approved and adopted this 14 day of October, 1927.

E. W. Wells
Mayor

Approved as to Form:
Philip C. Cocke, Jr.
Corporation Counsel.

Glenn Morris
City Clerk

[illegible] resolution [illegible]
[illegible] Commission [illegible],
Commission member,

[illegible]

[illegible], July 1,
[illegible] all of which
[illegible] city of its will; and

[illegible], the Local Government Commission
such Refunding Bon
as aforesaid; and

[illegible], in
it is necessary
express; and

[illegible];
owning bonds
[illegible]
the Local Government
bonds in amount
sulted in saving
is much less than par; and

[illegible],
saving you will
meets the will

NOW, THEREFORE, BE IT
OF ASHEVILLE:

[illegible] State of North Carolina
and it is, hereby, [illegible]
bonds that the
price of the bonds, plus

BE IT FURTHER RESOLVED, that
County Sinking Fund Commission be, and
to furnish the Local Government Commission
to the [illegible]

BE IT FURTHER RESOLVED,
Government Commission be, and it is, hereby,
quotations of the market price of the
to it by the
accepted

I move the adoption of the foregoing resolution.

C. B. Bumford
Councilman

Seconded by:
Councilman

Read, approved and adopted, this [illegible] day of October, 1927.

E. W. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing Mayor to execute quit-claim deed upon motion of Councilmen Bumford, seconded by Councilmen [illegible], unanimously carried.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

[illegible] foreclosure proceedings [illegible] property for the year 1928; and

[illegible] Assembly of 1937 [illegible] session [illegible] Bill; and

[illegible] Section 7 of [illegible] Bill, being House Bill 727 [illegible] March 21, 1937, [illegible] unit which has obtained title [illegible] to convey to the original owner such property upon the payment [illegible] costs, within [illegible] days; and

[illegible] sold at private sale:

SUBDIVISION	NAME OF OWNER	LOT	BLOCK	WARD	NAME OF ST
Acc	C. H. Englert	21	8	2	Del. Ave.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized [illegible] to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville to be delivered to the grantee upon payment of the taxes above referred to, with interest, penalty and costs as above provided for, and upon payment by the party to whom the property was sold in which the title was vested by the City of Asheville.

I move the adoption of the foregoing resolution.

C. D. Rumford
Councilman

SECONDED BY: H. G. Etheridge
Councilman

Read, approved and adopted this 14 day of October, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Willis G. Jones, Jr.
Asst. City Attorney

[illegible] claim was filed by Mrs. Ida C. Swafford by her attorneys, Lipscomb & Lipscomb for $1,220.00 principal and $1,137.50 interest [illegible] bonds. [illegible] was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

MRS. IDA C. SWAFFORD, vs. CITY OF ASHEVILLE

NOTICE OF ANNUAL DUE AND CLAIMS ON BONDS.

TO THE HONORABLE MAYOR, CITY MANAGER, & citizen and resident of White Plains, New York, by and thru her attorneys, Lipscomb & Lipscomb, who are acting for [illegible] at regular council instance and request, hereby files claim against the City of Asheville, North Carolina, for the sum of Five Thousand & No/100 ($5,000.00) dollars principal, being five (5) bonds issued by the City of Asheville in denomination of $1,000.00 each dated the 1st day of September 1926 and known as "Street Improvement Bonds" bearing 4 3/4% interest due and payable [illegible] 1, 1937 and for the further sum of Eleven Hundred Eighty Seven & 50/100 ($1,187.50) dollars interest as represented by coupons attached being [illegible] March 1, 1928 and ending September 1, 1937, and interest on the [illegible] from September 1, 1937 till paid at the rate of 6%.

Said bonds are Numbers 147, 148, 149, 150 and 151; coupons Number 13 and 14 attached to each bond for the year 1938 in substitutions for coupons on bonds issued by the City of Asheville Numbers 642, 330, 329, 328 and 327 respectively, said coupons Nos. 13 and 14 attached to Bond #147 being from Bond #642 known as "Street Improvement Bonds", dated December 1, 1926 [illegible] Nos. 13 and 14 attached to the other bonds Nos. 148, 149, 150 and 151 being taken from bonds Nos. 330, 329, 328 and 327 respectively and known as "City Hall Bonds" and dated September 1, 1926, the exchange or substitution having been done thru error.

[illegible] Complaint was [illegible] wrongs [illegible] was refused.

[illegible]

Glenn Morris
City Clerk

Mayor.

[illegible]

Mayor Wells presiding. Present: Councilmen [illegible]

Mrs. I. C. Swafford [illegible] The request was [illegible]

The meeting was [illegible]

R. M. Wells
Mayor.

Glenn Morris
City Clerk.

[illegible]

Thursday October 7, 1937: 2 P. M.

The City Council met in regular session [illegible] Mayor Wells presiding. Present: Councilmen Nolan, H. G. Etheridge, C. D. Rumford, Chas. W. Wells & Miss Babcock. Minutes of the previous meeting [illegible]

Mayor Wells presented a request for [illegible] and Blanton streets. [illegible]

Councilman Rumford suggested that the municipally owned [illegible] so as to take care of visitors in the city, as well as [illegible] this vicinity.

The meeting was on motion adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, November [illegible], 1937--[illegible]

[illegible] held [illegible] session Thursday, November [illegible], 1937, with Mayor [illegible] presiding. Present: Councilmen [illegible], Robert [illegible], City Manager [illegible], and Assistant Attorney [illegible] Cook, Jr. [illegible] of the preceding meeting [illegible] approved.

[illegible] owner of [illegible] Avenue, [illegible] Asheville, complained that [illegible] was excessive. This was referred to the City Manager for investigation.

[illegible] of the Manifold section complained of the service rendered [illegible] Manifold Company on Tillmore Avenue.

The Manager of the Asheville Clothiers complained of the actions of the bus [illegible] in front of their terminal. Both complaints were referred to the City Manager.

Councilman Dyer suggested that Haywood Road, West Haywood Road, Algeran [illegible] Haywood Street be changed to make one name, namely Haywood Street, for this street route to the City limits. Mayor Wells appointed Councilman Dyer, Councilman [illegible], Councilman Chandler, Councilman Etheridge and Councilman Rumbough as a committee to study the proposal.

Attorney James C. Howell, presented claim for Annie C. McDivitt for personal injuries, which claim was referred to the Corporation Counsel and City Manager.

TO THE HON. MAYOR AND COUNCILMEN OF THE CITY OF ASHEVILLE,
Asheville, North Carolina.

You will please take notice, that the undersigned Annie C. McDivitt, by and through James C. Howell, her attorney, pursuant to [illegible] of the City Charter of the City of Asheville, hereby claims [illegible] against the City of Asheville as the result of personal injuries sustained by her on the 19th day of August, 1937, at 7:30 o'clock, P. M., at which time the said Annie C. McDivitt stepped into a hole on the [illegible] side of Soco Street in the City of Asheville, N. C., near the intersection of Soco Street and Montford Ave., at which time this claimant, while preparing to board a bus, stepped into a hole between the [illegible] and gutter, which hole was almost directly in front of the second house on Soco Street, on the west side going out from Montford Ave., [illegible] which [illegible] this claimant sustained personal injuries to her [illegible], [illegible] by Dr. C. C. Orr.

That this claimant since August 19, 1937, has been unable [illegible] as a result of said injuries.

That the said hole was negligently permitted to remain by [illegible] City of Asheville, having been filled on the day after [illegible] injury, and as a proximate cause of the claimant acts of the [illegible] City of Asheville in failing to reasonably inspect the [illegible], and in failing to fill said hole after a reasonable time had [illegible] this claimant and her for the time being between [illegible], and as a result of her disability she has had to move [illegible] to a boarding house, being unable, on account of her injuries, to [illegible] her household duties, all to her damage in the sum of Twenty Thousand ($20000.00) Dollars, and this claimant respectfully presents this claim for said amount to your honorable body and respectfully demands the payment of the same.

James C. Howell
Attorney

The meeting was on motion adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

[illegible] Holliday.

[illegible] session [illegible] Present: Councilmen [illegible], Robert [illegible], Mayor [illegible], City Manager [illegible], Assistant Attorney [illegible] Cook, Jr. [illegible] of the preceding meeting [illegible] approved.

R. M. Wells
Mayor.

Glenn Morris
City Clerk.

[illegible] session [illegible] 1937, with Mayor [illegible] presiding. Present: Councilmen [illegible], Robert [illegible], City Manager [illegible], Assistant Attorney [illegible] Cook, Jr. [illegible] of the preceding meeting [illegible] approved.

[illegible] motion, carried unanimously.

[illegible] session [illegible]:

[illegible]

[illegible]

[illegible] to any [illegible] said property [illegible] costs, without [illegible] same; and

[illegible], the following [illegible]:

Assessments	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
1936	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
1935	A. [illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[illegible], [illegible] City of Asheville:

That the [illegible] of the City of Asheville [illegible] authorized [illegible] to settle [illegible] above, as above set out, which [illegible] of the City of Asheville who will [illegible] of the taxes above referred to, in [illegible] and costs [illegible] referred to, and the [illegible] for the period in which the title [illegible].

I move the adoption of the foregoing [illegible].

[illegible]

Seconded by: [illegible]

Roll, approval indicated this 18 day of November, 1937.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr., Corp. Counsel.

[illegible] Manager, P. V. Burnette, announced that the next [illegible] City Hall this day; and upon motion of Councilman Garland, seconded [illegible], the meeting was ordered to be held on the day before, [illegible] Wednesday, [illegible].

[illegible] upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
[illegible]

Thursday, November 24, 1927-- 2:30 P. M.

The City Council met in regular session Thursday, November 24, 1927, at the City Hall. Present: Councilmen C. B. Ramsey, Burnie Maddox, Fred Bell, Jr., Mayor R. M. Wells, City Manager P. V. Burnette, and Patty [illegible], Jr., Commission Counsel. Minutes of the previous meeting were read and approved.

Ordinance No. 147, entitled, "An Ordinance Appropriating Fifty Dollars from the General Fund to the Appropriation Account for Traffic Signs" was passed on its first reading, upon motion of Councilman Ramsey, seconded by Councilman Maddox, Councilmen Ramsey and Maddox voting "aye", Councilmen Bell and Councilman Wells voting "aye".

Ordinance authorizing the Mayor to execute a deed to [illegible], entitled, "An Ordinance [illegible] as follows:

AN ORDINANCE AUTHORIZING MAYOR TO EXECUTE A DEED TO [illegible] PROPERTY.

WHEREAS, on the 10th day of November, 1927 the City of Asheville sold at the courthouse door of Buncombe County to [illegible], certain lots, parcels or tracts of land hereinafter described, which property had been [illegible] in the Asheville Times, a newspaper published in the City of Asheville, as required by law, said [illegible] bidding in the said property, their bid in the amount of $650.00; and

WHEREAS, said bid has been accepted by the City Council of the City of Asheville:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute to [illegible] a quitclaim deed for the property sold at the courthouse door on the [illegible] day of November, 1927 and more particularly described as follows:

BEGINNING at a stake in the center of the Hendersonville Road at the intersection of Merrimon Avenue, the southeast corner of a tract of land conveyed to [illegible] by deed dated 2nd day of December, 1926, recorded in book of deeds 294, page 176, of the records of deeds of Buncombe County, N. C. and running thence with the center of said railroad [illegible] feet to a stake, thence [illegible] feet to a stake, thence [illegible] feet to a stake in the center of Merrimon Avenue, thence with the center of Merrimon Avenue [illegible] feet to a stake, Busack's northwest corner, thence [illegible] feet to a stake in the west margin of said road; thence [illegible] feet to a stake, the northwest corner of a tract conveyed by [illegible], thence south 17 deg. 55' west 755.6 feet to the BEGINNING, containing 2.7 acres, as per survey of F. E. Hendricks, C.E., made in October, 1926. This conveyance is subject to a right of way described in deed by C.E.P. Keller to [illegible] recorded in book 263 at page 297. Also subject to the right of way of the Southern Railroad over, across and along the same as at present located.

[illegible] Wells
Mayor.

[illegible]

[illegible]

[illegible]

[illegible] December 5, 1927--4:30 P. M.

[illegible] Mayor Wells, presiding. Present: Councilmen Dalton, Gordon, J. [illegible], Weaver, Wells, and Worley. Absent: Councilmen Dalton, J. [illegible], Jr. [illegible] Mayor Wells, on motion of Councilman Gordon, seconded with [illegible] unanimously carried, [illegible] Resolution authorizing [illegible] "Resolution" introduced by Councilman Dalton in Resolution authorizing [illegible], was [illegible], [illegible] in full.

Prof. [illegible] J. L. [illegible] Watson, Colored, [illegible] these rooms to the Council and [illegible] City.

[illegible] Resolution [illegible] of the Council will [illegible] of the United [illegible] [illegible] [illegible]

...y from her work for three days, and ... been able to partially go about her ... her injuries.

..., or sunken place in sidewalk was negligently ... City for some time prior to the injuries ... consequence of the negligence of the employees ... reasonably inspect the sidewalk, and in ... the same would be level and safe for pedest... ...plaintiff in the night, has greatly damaged this ... earning power, caused her to incur expenses for ..., pain and suffering due to her injuries, and ...nts and employees of the City of Asheville, all ...ive Hundred ($2,500.00) Dollars, and this she ... said amount through her counsel, and respect-

James S. Howell
Attorney for Mrs. Mae Watson.

...proximately 50 people living in the vicinity of ... plans for the establishment of a colored park ... spoke against locating the negro park in this ...d other available locations. Mr. Gray Gorham, ..., Miss Laura Tennent, Mr. Roger Morrow, C. P. Sum... ...Lloyd Rogers and Mrs. Elizabeth Lumpkin Glenn spoke in ..., in earnestly urged the Council to find some suitab...

...proposals, Mayor Wells appointed Mr. Gray Gorham ... W. Burdette, in finding a suitable location for ...

...

On motion Mr. ..., entitled, "An Ordinance requiring the Operators ... Jitney ..., other than Taxicabs or Jitney buses operated under the ... Utilities Commission of the State of North Carolina, to take out ... Public Liability Insurance or Surety Bond; and being for the immediate ... and Safety of the Citizens of the City of Asheville ... Ordinance. A roll call was taken and Councilman ... "Aye", Councilman Divelbiss voted "Aye, Councilman Etheridge voted "Aye", ..., Councilman Garland voted "Aye, and Councilman Wells ... ". ... passed upon motion of Councilman Bryson, seconded by ..., and the Ordinance was passed on its second reading. A roll ... Councilman Bryson voted "Aye, Councilman Divelbiss voted "Aye, ... "Aye, Councilman Bamford voted "Aye, Councilman Garland ... "Aye, and Councilman Wells voted "Aye. Rules were suspended upon motion ..., seconded by Councilman Divelbiss, and the Ordinance was passed ... reading. A roll call was taken and Councilman Bryson voted ... "Aye, Councilman Etheridge voted "Aye, Councilman ... "Aye, Councilman Garland voted "Aye, and Councilman Wells voted "Aye, ... by unanimous vote of the Council on all three reading of the or...

ORDINANCE NO. 248

AN ORDINANCE REQUIRING THE OPERATORS OF TAXICABS OR JITNEY BUSES, ... OTHER THAN TAXICABS OR JITNEY BUSES OPERATED UNDER THE JURISDICTION OF THE UTILITIES COMMISSION OF THE STATE OF NORTH CAROLINA, TO TAKE OUT AND CARRY PUBLIC LIABILITY INSURANCE OR SURETY BOND; AND BEING FOR THE IMMEDIATE ... AND SAFETY OF THE CITIZENS OF THE CITY OF ... AN EMERGENCY ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That every person, firm or corporation operating ... or jitney buses within the corporate limits of the City of Asheville, other than ... operated under the jurisdiction of the Utilities Commission ... North Carolina, and engaged in the business of transporting persons ... for hire on the public streets of the said city, shall furnish and keep in force ... public liability insurance for each taxicab or other motor vehicle so operated a policy of insurance ... or surety bond with sureties whose solvency shall at all times be subject to the ... approval of the governing body of said city, said policy of insurance or surety bond ... to be in the amount of Five Thousand ($5,000.00) Dollars (twenty-five hundred ($2,500.00) ... Dollars being the insurer's or operator's liability to one person, and five thousand ($5,000.00) ... Dollars being the insurer's or operator's liability to two or more persons ... in the same accident, such policy or surety bond to be conditioned to pay ... on account of any injuries to persons resulting from the operation of any jitney bus, ... taxicab or other motor vehicle, and such policy of insurance or surety bond to be ... with the governing body of the said city.

Provi..., ... in urgent ... by to file a bli... for ... and maintain a similar ... person, firm or corpo... by ... or jitney bus, which ... or ... ation being a member ... the State of North Carolina created and organized ... and maintaining a similar ... the minimum payment of ... each passenger car so ... and commonly known as a jitney bus, which sum must be ... each and every member thereof, and the aggregate ... hundred ($700.00) Dollars per month until the minimum ... ($20,000) Dollars is accumulated in trust for the ... against any member of the corporation or association ... automobile, said monthly payments shall be collected ... before the 10th day of each month, and the entire ... deposited with the Clerk of Superior Court in trust ... recovered against any member of said corporation for ... injury as the result of the operation of a taxicab or ... titled to protection by the trust fund created.

Provided, however, that the payments from ... under the same restrictions and conditions as that on ... carrying liability in insurance or surety bond, as provi...

Provided, further, that there shall be ... on the first day of each month by the Secretary of ... under oath showing each and every taxical or jitney ... protection by said trust fund.

Section 2. That any person, firm or corpo... or jitney bus within the corporate limits of the City ... a policy of insurance or surety bond, as required ... in ... taxicab or jitney bus not protected by the trust fund ... be subject to a penalty of fifty ($50.00) Dollars for ... and each day or portion of day that such person viola... ordinance shall constitute a distinct and separate of...

Section 3. That all ordinances and clauses ... with this ordinance are hereby repealed.

Section 4. That this ordinance being for the ... of the public peace and safety of the citizens of the ... by declared an emergency ordinance to take effect fi... ...ction.

I move the adoption of the foregoing ordin... 1937.

H. G. Et...
COUNCILMAN

SECONDED BY: Holmes Br...
COUNCILMAN

Read, approved and adopted, this 9 day of ... .

Robert W. ...
Mayor

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Glenn Morris
City Clerk.

LEASE McCORMICK FIELD

A resolution providing for leasing of McCor... provide Baseball for Asheville, ... upon motion of Co... by Councilman Etheri...ge, unanimously passed.

A RESOLUTION PROVIDING FOR LEASING OF ... ORDER TO PROVIDE BASEBALL FOR ASHEVILLE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE C...:

That the City Manager and City Clerk be and ... authorized to execute a lease contract with Patriots, ... of the City of Asheville for the leasing of McCormick ... Year, a copy of said lease being hereto attached and ...

I move the adoption of the foregoing resolution.

Eugene Garland
Councilman

Seconded by: H. G. Etheridge
Councilman

[illegible] claim of J. V. Tuttle [illegible]

[illegible]

J. V. Tuttle, by [illegible]

[illegible]

[illegible]

[

l not consider

R. M. Wells

FRONT
A B C D E F G H I J K L M Mc N O P Q R S T U V W X Y Z

[illegible] January, 1923.

J. P. Kitchen
[illegible] Court
of Dunrobh County.

[illegible] Commission Court, Re-Official Minutes of [illegible] the foregoing instrument is [illegible] Court of Dunrobh [illegible] January, 1923, [illegible] in my office.

[illegible] hand this the 17th day of February, 1923.

J. P. KITCHEN, [illegible]
[illegible] Court, Dunrobh County.

By [illegible]
Deputy

[illegible] motion, adjourned.

Glenn Morris
City Attorney

[illegible], January 24, 1923--1:30 P.M.

[illegible] Commissioners, Mayor Kitchen, [illegible] Council, Commissioner [illegible], Commissioner [illegible], Commissioner [illegible],

R. M. Wells

Glenn

R. M. Wells

Glenn

R. M. Wells

Glenn Morris

, without advertising ;

Elenor Morris

R. M. Wells

Glenn Morris

R. M. Wells

Glenn Morris

R. M. Wells

FRONT
A B C D E F G H I J K L M Mc N O P Q R S T U V W X Y Z

FRONT

FRONT

A B C D E F G H I J K L M Mc N O P Q R S T U V W X Y Z

R. M. Wells

Glenn Morris

FRONT
A B C D E F G H I J K L M Mc N O P Q R S T U V W X Y Z

R. M. Wells

Glenn Morris

relief bill, the House Bill ...
governmental unit ... authority to reconvey to the ... taxes, plus 6% ...

property was sold at ... sale:

		LOT	SHEET	WARD	
		111 & 112	1	5	

OLVED BY THE CITY COUNCIL OF THE CITY ...

... City of Asheville be and he is hereby ... quit-claim deed to the ... is to be turned over to the ... deliver the same to the ... and prior year taxes, ... to, and the listing of the property ... was vested in the City of Asheville.

... foregoing resolution.

H. C. Etheridge
COUNCILMAN

... BY: Robert E. Shuford
COUNCILMAN

... this 26 day of May, 19...

Robert W. Wells
MAYOR

Glenn Morris
CITY CLERK.

... FORM:
... Jr.
...

... authorizing the Mayor to execute Duplicate quit-claim deed ... Councilman Etheridge, seconded by Councilman Shuford, unanimously ...

... AUTHORIZING THE MAYOR TO EXECUTE DUPLICATE ... QUIT-CLAIM DEED

... City of Asheville foreclosed Lot 126, ... 5, ... Hill, ... for ... city taxes under certificate #1159; and

WHEREAS, ... has paid the taxes on said property, and ... by the City, said deed being delivered on November 19, 19...; and

WHEREAS, ... has been lost or inadvertently destroyed, and ... cloud on the title it is necessary that a duplicate deed ... Inn;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY ...

That the Mayor is hereby authorized to execute duplicate quit-... Inn for the property above referred to.

... adoption of the foregoing resolution.

... FORM:
...

... Councilman Etheridge, seconded by Councilman Shuford, unanimously ...

... Councilman Etheridge, seconded by Councilman Shuford, unanimously ...

... Mr. R. Smathers ... for Coal ... purposes.

... seconded by Councilman ...

... unanimously.

R. W. Wells
Mayor

Glenn Morris
City Clerk.

The City Council ... in regular session ... Tuesday, June 2, 1953. Present: ... Councilmen Nolan, H. C. Etheridge, C. E. ..., Shuford, ..., Mayor R. W. Wells, and ... Council ... Jr. ... regular meeting ... were ... minutes, ...

... Ordinance No. ..., entitled, "An Ordinance ... declaring the ... Deed ... June ..., 1953 ... roll call was taken ... Councilmen ..., ... voted "Aye", Councilmen ... voted "Aye" and Councilmen ... voted "...".

The meeting was ... in session ... hours.

R. W. Wells
Mayor.

Glenn Morris
City Clerk.

[illegible], June 9, 1931: 2 P. M.

Present: Commissioner Palmer Burch, C. B. Rumpf, [illegible], Lloyd V. Wells, and R. H. C.

Minutes of the previous meeting were read and

[illegible]

[illegible] meeting [illegible]

[illegible]

[illegible]

[

[illegible]

[illegible]

[illegible]

FRONT

A B C D E F G H I J K L M Mc N O P W Y

half ton capacity,

(b)

(c)

Provided, however, that

of the city of Asheville from

before

North Carolina, upon

hereby required to administer oaths by the laws of the State of

to the fact that all farm products to be sold during the

grown on premises owned or occupied by the person, firm

any person, firms, or corporations who have paid the tax levied on packing houses.

NOTE: Meat not having been salted longer than twenty days shall be considered fresh meat, and the license shall be collected as itemized on retail and wholesale dealers of fresh meats. PROVIDED, that from and after the passage of this Ordinance it shall be unlawful for any person, firm or corporation to operate a meat market without first obtaining a meat market permit from the Health Officer which must be in force during period of operation and a copy of the same must be conspicuously posted at all times within the said market so as to be plainly visible to all customers who may patronize such market.

PROVIDED, further that the Director of Finance may require at any time an affidavit from the operator of any week, during the tax year, and if furing any week of the tax year a meat market in Class A sells more than 500 pounds of meat, then said Class A meat market shall be rated as Class B, and shall be liable for tax in accordance with Class B. Schedule.

MEAT DISTRIBUTORS.

Every person, firm, or corporation, selling, distributing and delivering meat at wholesale or retail, and not having a place of business in the City of Asheville, shall pay a license tax of, per annum ----------$50.00

PROVIDED, the provisions of this section shall not apply to persons, firms or corporations, payinf packinf house license.

MEDICINE SELLERS OR VENDORS.

See "goods, Wares and Merchandise."

Free shows in connection with the selling of medicines or other merchandise in other than licensed theatres or moving picture shows, prohibited within the corporate limits of the City of Asheville.

MENAGERIES.

See "Circuses."

MERCHANTS--ITINERANT.

Itinerant or salesman selling as proprietor or agent in any lot or in a storeroom, goods, wares, or merchandise, on which an itinerant or other tax is not herein specifically imposed, shall pay a license tax of, per annum---$100.00

NOT PRORATED.

PROVIDED, that all such, sales or any street, square, alley, or other municipal property is expressly prohibited.

Itinerant merchants, dealers, or proprietors, or agent selling bankrupt or fire sales, or any kind of goods, wares, or merchandise, shall pay a license tax of, per week ----------$100.00

PROVIDED, the provisions of this section shall not apply to persons, firms or corporations, paying packing house license.

MEDICINE SELLERS OR VENDORS.

See "goods, Wares, and Merchandise."

Free shows in connection with the selling of medicine or other merchandise in other than licensed theatres or moving picture shows, prohibited w thin the corporate limits of the City of Asheville.

MENAGERIES.

See "Circuses."

MERCHANTS--ITINERANT.

Itinerant or salesman selling as proprietor or agent in any lot or in a storeroom, goods, wares, or merchandise, on which an itinerant or other tax is not herein specifically imposed, shall pay a license tax of, per annum -------$100.00

NOT PRORATED.

PROVIDED, that all such sales on any street, square, alley, or other municipal property is expressly prohibited.

Itinerant merchants, dealers, or proprietors, or agent selling bankrupt or fire sales, or any kind of goods, wares, or merchandise, shall pay a license tax of, per week ----------$100.00

NOT PRORATED.

PROVIDED, however, that no tax shall be collected from trustees or officers of a Bankruptcy court making sales under Order of Court.

MERCHANTS--PEDDLING.

See "Goods, Wares, and Merchandise."

MERCHANTS--TAILORS.

Employing two helpers or less, per annum ----------$10.00
Employing over two helpers, per annum ----------$25.00

MERCHANTS AND STOCK BROKERS.

See "Brokers".

METAL BROKERS AND DEALERS.

Every person, firm, or corporation buying and selling, either as agent or principal, old metal, old brass, lead and any other metal, shall pay a license tax of per annum ----------$150.00

See "Pistols."

METALLIC, BRASS, OR IRON KNUCKLES.

See "Bowie Knives."

MILK PASTEURIZERS AND CREAMERIES.

See "Creameries and Dairies."

MILL SUPPLIES.

Every person, firm or corporation selling or distributing mill or factory supplies, shall pay a license tax of, per annum ----------$100.00

MILLINERY MERCHANTS.

Every person, firm or corporation selling millinery, shall pay a license tax of, per annum ----------$25.00

PROVIDED, that any person, firm or corporation selling millinery where the gross sales do not exceed $1,000.00 shall pay a license tax of, per annum--$10

MINSTREL SHOWS.

See "Pictures."

MONUMENTS OR TOMBSTONES--DEALERS IN.

Every person, firm, or corporation engaged in the business of erecting, manufacturing, jobbing, selling, or offering for sale momuments, marble tablets, grave stones, or arti les of like kind, shall pay a license tax of, per annum ----------$10

MOP OR BROOM FACTORIES.

Every person, firm or corporation manufacturing or assembling mops or brooms, shall pay a license tax of, per annum ----------$25.00

MOTORCYCLE DEALERS.

See "Automobile, Motorcycles, Motor Vehicles--Dealers in."

MOVING PICTURES OR VAUDEVILLE SHOWS.

On each room, hall, tent, or air-drome used as a moving picture or vaudeville show, an annual license tax as follows shall be paid:

On each place having a seating capacity of less than 500 ----------$ 125.00

On each place having a seating capacity of 500 or less than 1000 ----------$ 175.00

On each place having a seating capacity over 1,000 -----$ 212.00

PROVIDED, any moving picture show operating more than two (2) miles from the business center of the City of Asheville (for the purpose of this provision the term "business center" being defined as the intersection of the principal business streets of the City of Asheville), the territory in which such moving picture show is located having been annexed to such city subsequent to January 1, 1923, the license tax shall be, per annum--------$100.00

No additional tax may be charged for fortune tellers, clairvoyants and similar crafts appearing under contract in theatres.

MULTIGRAPHS, MINEOGRAPHS--DEALERS IN.

Exempt by State Statutes.

MULTIGRAPH SHOPS.

Every person, firm or corporation multigraphing or mimeographing letters, advertisements or other documents for compensation, shall pay a license tax of, per annum, as follows:

1 operator----------$10.00
2 operators ----------$15.00
more than 2 operators ----------$25.00

"N"

NEWS DEALERS ON TRAINS.

Exempt by State Statutes.

NEWSPAPERS.

Daily, morning ----------$100.00
Daily, afternoon ----------100.00
Weekly ----------25.00
Monthly ----------15.00

PROVIDED, that where any newspaper company prints, in addition to its newspapers, circulars or other printed matter, the tax levied under "Printing Establishments" shall also be paid.

NEWSPAPER CONTESTS.

Every person, firm or corporation conducting any newspaper contest, shall pay a license tax as follows:

Weekly, semi-weekly or monthly newspapers, magazines or periodicals ----------$25.00

Daily newspapers ----------$ 100.00

NEWS STANDS.

Per annum ----------$ 2.50

NEWS STANDS ON STREET OR SIDEWALKS

Prohibited.

NEWSPAPER OR MAGAZINE DISTRIBUTORS.

Per annum ----------$25.00

NURSERIES.

Every person, firm, or corporation operating a nursery, or selling or displaying for the purpose of advertisement or sale nursery products, shall pay a license tax of, per annum ----------$25.00

PROVIDED, if persons growing plants or evergreens in City of Buncombe County not operating a store, no tax shall be collected. Peddling plants, bulbs and evergreens, see "Goods, Wares & Merchandise."

"O"

OCULISTS.

Exempt by State Statutes.

OFFICE EQUIPMENT.

Every person, firm or corporation engaged in the business of selling office equipment or supplies, shall pay a license tax of, per annum ----$25.00

OIL, FUEL.

See "Fuel Oil".

OILS AND GASOLINE.

(a) Every person, firm or corporation engaged in the business of selling illuminating or lubricating oils or greases, or benzine, naptha, gasoline, or other products of like kind from an agency, station or warehouse, for the distribution or sale of the aforementioned commodities as defined in Section ____ of the Revenue Act of 1937, shall pay a license tax of, per annum ----------$50.00

PROVIDED, that this shall apply only to agencies or warehouses in the City of Asheville engaged in the distribution or sale of the commodities enumerated.

(b) Every person, firm or corporation engaged in the business of selling illuminating or lubricating oils or greases, or benzine, naptha, gasoline, or other products of like kind, who do not maintain an agency, station, or warehouse within the City of Asheville, shall pay a license tax of, per annum -----$50.00

(c) Every person, firm or corporation engaged in the business of reconditioning or refining oils, shall pay a license tax of, per annum ----------$20.00

OPERAS.

See "Chautauquas."

OPTICAL SUPPLIES.

Every person, firm or corporation selling optical goods or supplies at wholesale, shall pay a license tax of, per annum ----------$150.00

At retail, per annum ---------- $ 50.00

PROVIDED, however, that the foregoing tax shall not be collected from duly licensed practicing physicians, optometrists, or oculists.

OPTICIANS.

Exempt by State Statutes.

ORDERS--FRATERNAL.

Exempt by State Statutes.

ORGANS, PIANOS AND PHONOGRAPHS.

Every person, firm or corporation engaged in the business of selling, offering, or ordering for sale, any of the articles hereinafter enumerated, shall pay for the privilege of conducting such business, a special license tax, per annum, as follows:

For pianos, and/or graphophones, radios, or radio accessories, victrolas, or other instruments using disc or cylinder records, and/or the sale of records for either or all of these instruments----------$5.00

ORGAN AND PIANO TUNERS OR REPAIRERS.

Organ or piano tuners or repairers, per annum ----------$5.00
Itinerant, per annum ---------- 50.00

ORIENTAL GOODS--DEALERS IN.

Per annum ---------- 25.00

OSTEOPATHS.

Exempt by State Statutes.

Oysters and Fish Dealers.

See "Fish and Oyster Dealers."

"P"

PACKING HOUSES.

Every person, firm or corporation engaged in or operating a meat packing house, and every wholesale dealer in meat packing house products, who ownsm leases, or rents and operates a cold storage warehouse in connection with such wholesale business, shall pay for such oacking house or cold storage warehouse, a license tax, per annum ----------$150.00

PAINTING CONTRACTORS.

See "Contractors."

PAINT DEALERS.

Every person, firm or corporation selling or distributing paint, calcimine, or other paint products, shall pay a license tax of per annum ----- 25.00

PROVIDED, where roofing is sold an additional tax of $5.00 shall be charged.

PAPER OR PAPER PRODUCTS.

Every person, firm or corporation engaged in the sale or distribution of paper or paper products, where twenty per cent or more of their business is the sale or distribution of paper, shall pay a license tax of, per annum---- 50.00

PROVIDED, that where less than 20% of the business is paper products, the license tax shall be ----------10.00

PARKING PLACES.

On each and every lot used for a public parking place for profit, where other service is not rendered, shall be paid a license tax of, per annum- 5.00
Where greasing, washing or other service is rendered---------- 12.50

PASTEURIZERS OF MILK.

Each establishment shall pay a license tax of per annum----------$100.00

The foregoing tax is not collectible where creamery tax is paid.

PATENT RIGHTS AND FORMULA--DEALERS IN.

On every person, firm or corporation, offering for sale any patent or formula, shall be paid a license tax of, per annum ----------$ 10.00

PAVING, GRADING, SIDEWALK SEWER OR STORM SEWERS.

See "Contractors".

PAWN BROKERS.

See "Brokers, Pawn."

PEANUT AND POPCORN ROASTERS.

Every person engaged in the business of operating any peanut or popcorn roaster or stand, shall pay a license tax of, per annum ----------$10.00

PROVIDED, that when a peanut or popcorn roaster or stand is operated in connection with some other business, the license tax shall only be per annum -----$5.00

PEDDLERS OF BOOKS.

See "Book Agents."

PEDDLERS--GENERAL.

See "Goods, Wares and Merchandise."

PEDD LERS OR VENDORS OF MEDICINE

See "Goods, Wares and Merchandise."

PEDDLING.

See "Goods, Wares and Merchandise" also "Fruit and Produce".

PEDDLING OF FISH.

Prohibited.

PENNY ARCADES OR PARLORS.

See "Arcades."

PEPSI-COLA BOTTLING WORKS.

See "Bottling Works".

PERFUMES AND TOILET ARTICLES, COMPACTS, LIPSTICKS, ETC.

Every person, firm or corporation selling perfume, cologne, toilet water, bath salts, compacts, lip sticks, or other toilet articles shall pay a license tax of, per annum ---------- $5.00

PROVIDED, where the gross sales are less than $500.00 annually, the tax shall be ---------- $2.50

PET SHOPS.

Every person, firm or corporation operating a shop usually known as a "pet shop", or place of business where pets such as dogs, monkeys, cats, birds, fish, white mice and/or other pets by whatsoever name called are sold, shall pay a license tax of, per annum ---------- $125.00

See "Organs."

PHOTOGRAPHS.

Every person, firm or corporation engaged in the business as a photographer, canvasser for any photographer, agent of a photographer in transmitting pictures or photographs to be copies, enlarged or colored, shall pay a license tax of, per annum ---------- $ 10.00

PHOTOSTAT DEALERS.

Every person, firm or corporation making photostatic reproductions or engaged in the business of making photostatic copies for sale, shall pay a license tax of, per annum ---------- 25.00

PHRENOLOGISTS.

Prohibited.

PHYSICIANS.

Exempt by State Statutes.

PIANO OR ORGAN REPAIRERS OR TUNERS.

See "Organ Repairers or Tuners."

PICTURE MACHINE--ADVERTISING BY USE OF.

See "Advertising by Use of Picture Machines."

PICTURES, MOVING.

See "Moving Pictures."

PICTURES, TRAVELING, MOVING, TRAVELING THEATRUCAL, VAUDEVILLE, OR MINSTREL SHOWS.

Every person, firm or corporation, engaged in the business of a traveling theatrical, traveling moving picture, and/or traveling vaudeville company, giving exhibitions or performances in any hall, tent, or other place not duly licensed as a theatre, moving picture or vaudeville house, for the privilege of engaging in such business, shall pay a license tax of $25.00 for each day or part of a day's exhibits or performances.

PROVIDED, that:

(a) Artists, exhibiting paintings or statuary work of their own hands, shall only pay ---------- $2.00

(b) Such places of amusement as do not charge more than a total of fifty cents for admission at the door, including reserved seat, and shall perform or exhibit continuously in any given place as much as one week, shall be required to pay $25.00 for the first day, and a total of $25.00 for the next succeeding five days or any part thereof, and $30.00 per week or any part thereof afterwards.

PROVIDED, however, where such amusement company holds an annual state-wide license, as provided under Section 103 of the 1937 Revenue Act, such company shall pay $20.00 per week or part of week.

Application for permit to exhibit must be in the same manner as herein required of a circus, and no performance shall be given unless permit is granted.

PIPE OR CEMENT BLOCKS.

See "Cement Blocks."

PISTOLS.

Every person, firm or corporation who is engaged in the bu iness of keeping in stock, selling, and/or offering for sale any of the articles or commodities hereinafter enumerated, shall pay the following tax, per annum:

(a) For pistols ---------- $50.00
(b) For bowie knives, dirks, daggers, sling-shots, loaded canes iron or metallic knuckles, or articles of like kind---------- 200.00
(c) Blank cartridge pistols ---------- 200.00

PROVIDED, however, that if such person, firm or corporation deals only in metallic cartridges, the tax shall be, per annum ---------- 10.00

PLANTS, BULBS AND EVERGREENS.

See "Seeds & Plants."

PLUMBING CONTRACTORS.

See "Contractors."

PLUMBING SUPPLIES.

Every person, firm or corporation selling plumbing supplies, shall pay a license tax of, per annum (wholesale) ---------- $ 100.00

PROVIDED, every person, firm or corporation selling plumbing supplies at retail, shall pay a license tax of, per annum ---------- 50.00

PROVIDED, however, where the above license is paid, then the contractor's license shall not be required.

POLES, CROSS-TIES, OR SIMILAR ARTICLES.

See "Buying and Shipping of".

PONY AND DOG SHOWS.

See "Circuses."

POOL ROOMS.

See "Billiards."

POULTRY AND/OR EGGS.

Every person, firm or corporation buying or selling poultry and/or eggs, at wholesale, shall pay a license tax of, per annum ---------- 25.00

POWER, GAS AND ELECTRIC LIGHT COMPANIES.

See "Electric Light Companies."

PRESSING CLUBS, DRY CLEANING PLANTS, AND HAT BLOCKERS.

Every person, firm or corporation engaged in the business of pressing and/or dry cleaning any article of clothing, re-shaping, cleaning and/or reblocking any hats, shall pay a license tax of, per annum, as follows:

(a) Where not more than three persons are employes---------- 10.00
(b) Where more than three persons and not more than six persons are employed ---------- 25.00
(c) Where more than six persons are employed ---------- 40.00

For each cash and carry or call office where no cleaning and pressing is done ---------- 5.00

PRINTED ADVERTISEMENTS, SIGN TACKING, ETC.

See "Advertising--Districutors of Samples."

PRINTING AGENTS.

See "Agents, not Specifically Taxed."

PRINTING ESTABLISHMENTS.

Every person, firm or corporation operating a printing press, whether part time or not, or whether employing or not, shall pay a license tax of, per annum ----------$10.

Without bindery, employing one workman, per annum ---------- $10.
Without bindery, employing two workmen, per annum ---------- $15.
Without bindery, employing more than two workmen, per annum ------ $25.
With bindery, per annum ---------- $30.

PRODUCE AND FRUITS.

See "Fruits and Produce."

PROFESSIONAL ART--HEALING.

Exempt by State Statutes.

PROFESSIONAL LECTURES.

See "Lectures."

PUBLIC ANNOUNCEMENT OF ADVERTISEMENTS BY USE OF BRASS BANDS, ETC.

See "Advertising."

PUBLIC SERVICE AUTOMOBILES.

See "Motor Vehicles for Hire."

PUBLIC STENOGRAPHERS.

Every person, firm or corporation engaged in public stenographic work, shall pay a license tax, for each person so engaged of per annum -------- 250

"Q"

QUARRY ROCK.

(a) On each rock quarry, a license tax shall be paid of, per annum--- 50.00
(b) Every person, firm or corporation, selling, hauling or delivering rock quarry products in the City of Asheville, not having paid the tax under sub-section (a), and not having a quarry within the City of Asheville, shall pay the following tax:

On each truck of two-ton capacity or less, per annum ---------- 25.00
On each truck of more than two-ton capacity, per annum ---------- 50.00

QUEENSWARE AND CHINA.

See "China and Queensware."

"R"

RACKS FOR KNIVES OR GAMES.

See "Cane Racks."

RADIO INSTRUMENTS OR RADIO INSTRUMENT ACCESSORIES.

See "Organs, etc."

REAL ESTATE AUCTIONEERS.

See "Auctioneers."

RELIGIOUS ENTERTAINMENTS.

See "Charitable Entertainments."

REPAIR SHOPS.

Any repair shop operating in the City of Asheville, by whatsoever name called, not elsewhere specifically licensed or taxes in this ordinance, shall pay an annual license tax as follows:

Working one workman ----------$ 5.00
Working one or three workmen ---------- 10.00
Working three workmen or more ---------- 15.00

REPAIR SHOPS--CABINET.

See "Cabinet Repair Shops."

REPAIR SHOPS--CARRIAGE.

See "Carriage Repair Shops."

REPAIRING OR MANUFACTURING OF HARNESS OR SHOES.

See "Harness or Shoe Repairers."

REPAIRERS OR TUNERS OF ORGANS OR PIANOS.

See "Organ Tuners.

RESTAURANTS, LUNCH ROOMS, HOTEL DINING ROOMS, OR DRUG STORES.

(a) Every person, firm or corporation engaged in the business of operating a restaurant, cafe, cafeteria, hotel with dining service on the European Plan, drug store, or other place where prepared food is sold, shall pay an annual license tax based on the number of persons provided for with chairs, stools, or benches, and shall be 50¢ per seat, with a minimum tax of -----$2.50

(b) All other stands or places where prepared food is sold as a business, and drug stores, service stations, and other stands or places where prepared sandwiches only are served, shall pay an annual license tax of -- 2.50

RIDING DEVICES.

Every person, firm or corporation engaged in the operation of a bagatelle table, merry-go-round, flying jenny, ferris wheel, whip, tango swing, caterpiller, tumble-bug, hobby-horse, switchback railway, shooting gallery, skating rink, or other amusement devices of a like kind, or a place for other games or play with or without name (unless used solely and exclusively for private amusement and exercise) at a permanent licensed place, shall procure a special license for the privilege of operating such objects of amusements, and shall pay for each object enumerated the following tax, per annum ---------- 25.00

ROOTS AND HERBS.

Every person, firm or corporation buying or selling roots, herbs, or other medicinal plants, shall pay a license tax of per annum --------- 150.00

RUBBER STAMPS.

Every person, firm or corporation engaged in the exclusive business of manufacturing rubber stamps, stencils and seals, where 75 per cent of the business is derived from the manufacture of such articles, shall pay a license tax of, per annum ---------- 25.00

"S"

SALVAGE DEALERS.

Every person, firm or corporation buying, selling and/or dealing in bankrupt stocks, factory job lots and second-hand materials of all kinds, shall pay a license tax of, per annum ----------$ 300.00

PROVIDED, where this license is paid all other license taxes levied by this ordinance on individual items shall not be collectible.

PROVIDED, where the above tax is paid other classifications shall not apply.

SAMPLE AND SIGN DISTRIBUTORS, ETC.

See "Advertising."

SAND DEALERS, AGENCIES, OR SALES OFFICES.

Per annum ----------20.00

SANDWICHES.

Sandwiches, wholesale, per annum ----------$ 15.00

Sandwiches, retail, per annum ---------- $2.50

SCALE DEALERS.

Each dealer in, or agent for, shall pay a license tax of, per annum ---------- 25.00

SECOND-HAND AUTOMOBILE EQUIPMENT.

See "Automobile equipment-Used Parts."

SECURITY DEALERS.

(a) Every person, firm or corporation who or which is engaged in the business of dealing in securities as defined in Section 132 of the 1937 Revenue Act, or who or which maintains a place for or engages in the business of buying and/or selling shares of stock in any corporation, bonds, or any other securities on commission or brokerage, shall pay for the privilege of transacting such business, a license tax of, per annum ---------- 50.00

(b) PROVIDED, every dealer as defined herein, other than banks or trust companies, shall pay a license tax for the privilege of transacting such business at each office.

(c) If every such person, firm or corporation described in sub-section (a) hereof maintains and/or operates a leased or private wire and/or ticker service in connection with such business, the annual license tax on the private wire or ticker service shall be ---------- 50.00

SEEDS AND PLANTS.

Every person, firm or corporation selling or distributing bulk and package, farm and garden seens, plants, bulbs, roots, shall pay a license tax of. per annum ---------- 25.00

Selling bulk and package seeds only, per annum ----------	20.00
Selling plants and package seeds only, per annum ----------	10.00
Selling package seeds only in boxes of 330 packages or less---	1.00
Boxes of over 330 packages and not over 650 packages, per annum ----------	2.00
Over 650 packages, per annum ----------	3.00

NOT PRORATED.

SEWER, GRADING, PAVING, SIDEWALKS OR STORN SEWERS.

See "Contractors."

SEWER PIPE.

Every person, firm or corporation selling sewer pipe, shall pay a license of, per annum ---------- 50.00

No tax collected hereunder where building material is collected or where electrical contractor, plumber, steam and gas fitter tax is collected.

See "Electrical Contractors", etc.

SEWING MACHINE AGENTS.

Exempt by State Statutes.

SHIPPING AND BUYING TELEPHONE POLES, CROSS-TIES, LOGS OR SIMILAR ARTICLES.

See "Buying and Shipping of".

SHOE OR HARNESS MANUFACTURERS OR REPAIRS.

See "Harness Manufacturers."

SHOE SHINE PARLORS.

See "Bootblack Stands."

SHOE MERCHANTS.

Every person, firm or corporation selling shoes at retail, shall pay the following graduated license tax based on the annual gross receipts:

Less than $2,000 annually ----------	$5.00
2,000 and less than 5,000 ----------	10.00
5,000 and less than 10,000 ----------	15.00
10,000 and less than 15,000 ----------	20.00
15,000 and less than 25,000 ----------	25.00
25,000 and less than 35,000 ----------	30.00
35,000 and less than 50,000 ----------	40.00
50,000 and less than 75,000 ----------	50.00
75,000 and over ----------	75.00

SIDEWALKS, GRADING, PAVING, SEWER OR STORM SEWERS.

See "Contractors."

SIGN PAINTING.

On any sign painting contractor not employing any workmen, each, per annum ----------	$10.00
On any sign painting contractor employing two workmen or less---	15.00
On any sign painting contractor employing two workmen or less---	20.00
Two to four workmen ----------	25.00
Four to six workmen ----------	30.00
Six or more workmen ----------	100.00
Itinerant sign painters, per annum ----------	

SIGN TACKING, PRINTED ADVERTISEMENTS, ETC.

See "Advertising."

SILVER PLATING.

Every person, firm or corporation engaged in the business of silver plating, shall pay a license tax of, per annum ---------- 25.00

SKATING RINKS.

See "Riding Devices."

SLEIGHT OF HAND EXHIBITIONS.

Prohibited.

SLING SHOTS.

See "Bowie Knives."

SLOT MACHINES.

See "Machines, Slot."

SODA FOUNTAIN SUPPLIES.

Every person, firm or corporation selling or distributing fruits, syrups, or other supplies used at a soda fountain, where fifty per cent of the gross sales or stock of merchandise carried consists of fruits, syrups, or other supplies used at a soda fountain, shall pay a license tax of, per annum ----50.00

SODA FOUNTAINS.

See "Fountains, Soda."

SOFT DRINKS--SALE OF.

On each person, firm or corporation selling bottled soft drinks, a license tax shall be paid of, per annum ---------- 2.50

SOFT DRINKS--ITINERANT SELLING.

See "Balloons."

SOFT DRINKS.

See "Drinks," also "Bottling Companies".

SOUVENIR SHOPS.

See "Gift and Souvenie Shops."

SOUVENIRS--ITINERANT SELLING.

See "Balloons."

SPRINKLER SYSTEMS.

See "Elevators."

SPICES AND FLAVORING EXTRACTS.

See "Goods, Wares, and Merchandise."

STABLES, LIVERY.

See "Livery Stables."

STAMPS, RUBBER.

See "Rubber Stamps."

STANDS, BOOTBLACK.

See "Boot Black Stands."

STANDS, FRUIT.

See "Fruit Stands."

STANDS, LEMONADE--PUBLIC OCCASIONS.

See "Lemonade Stands."

STAR COURSES.

See "Chautauquas."

STATIONS, GASOLINE OR AUTO CLEANING.

See "Automobile Service Stations."

STEAM SHOVELS.

On each and every steam, gas, or motor driven shovel operated in the City of Asheville, a license tax shall be paid of, per annum ----------$25.00

NOT PRORATED.

STEAM AND GAS FITTERS.

See "Electrical Contractors,"etc.

STENOGRAPHERS, PUBLIC.

See "Public Stenographers."

STOCK BROKERS.

See "Brokers, Stock."

STOCK YARDS OR PENS.

Every person, firm or corporation operating or maintaining a yard or pen where live stock is loaded, unloaded, fed, or watered, shall pay on each yard or pen, a license tax of, per annum ----------$250.00

PROVIDED, that any person, firm or corporation conducting a live stock exchange or market, or engaging in the business of purchasing and re-selling live stock at auction or otherwise and/or receiving and shipping live stock, shall pay, on each yard, a license tax of, per annum ---------- 75.00

PROVIDED, further, that the provisions of this tax shall not be collected from packing houses, operating or maintaining a stock yard or pen, who have paid the prescribed tax on packing houses.

STOCK AND MERCHANDISE BROKERS.

See "Brokers, Merchandise and Stock."

STORAGE OR TRANSFER WAREHOUSES.

Where a charge is made for storage service, other than cold storage, a license tax shall be paid of, per annum ---------- 50.00

STORM SEWERS, GRADING, PAVING, SIDEWALKS AND SEWERS.

See "Contractors."

STOVES, RANGES--INSTALLATION.

Every person firm or corporation selling or offering for sale stoves, ranges, gas or other wat r heaters, where same is connected with the water system of the City of Asheville, shall pay a license tax of, per annum ----- 20.00

It shall be unlawful for any person, firm or corporation to install ranges, stoves, gas or other water heaters where the same is connected with the water system of the City of Asheville, unless such installation is made by a licensed plumber under the provisions of the plumbing ordinance.

SUGAR.

See "Tea, Coffee and Sugar."

SUPPLIES FOR TYPEWRITER MACHINES.

Agents or dealers in supplies for typewriter machines, shall pay a license tax of, per annum ---------- 25.00

SURGEONS--VETERINARY.

Exempt by State Statutes.

SWITCHBACK, RAILROADS OR ROLLER COASTERS.

See "Riding Devices."

SYRUP, TABLE.

Every person, firm or corporation manufacturing table syrup, shall pay as a license tax of, per annum:

Where employing one person ----------$10.00
Where employing two persons ---------- 15.00
Where employing more than two persons ---------- 25.00

"T"

TAILORS, MERCHANT.

See "Merchants, Tailors."

TALKING MACHINES.

See "Organs, Pianos and Phonographs."

TANNERIES

Each, per annum ---------- 150.00

TEA, COFFEE AND SUGAR.

Every person, firm or corporation engaged in the business of selling tea, coffee and sugar, where 50% of the business is derived from the sale of tea, coffee and sugar, shall pay a license tax of, per annum -------- 25.00

TELEGRAPH COMPANIES.

Every person, firm or corporation, domestic or foreign, engaged in operating the apparatus necessary to communication by telegraph within the corporate limits of the City of Asheville, shall pay a license tax of, per annum ---------- 50.00

TELEPHONE COMPANIES.

See Franchise Ordinance.

TEMPORARY STORES.

Every person, firm or corporation engaged in operating a temporary store as defined in Ordinance 183 within the City of Asheville shall make a deposit as an occupational tax to said City of Asheville for the use and benefit of said city in the sum of $200.00 in cash, and shall also pay the regular license tax under individual classifications. In lieu of the $200.00 cash deposit any such person shall be required to furnish a bond, subject to the approval of the Legal Department, in the sum of $200.00 payable to the City of Asheville.

PROVIDED, however, that said store remains open and operating for a period of twelve months within the corporate limits of the City of Asheville and then and in that event the $200.00 deposited as an occupational tax shall be refunded by the T ax Collector of the City of Asheville.

A temporary shall be classed as under Section 2 of Ordinance 183 of the City of Asheville, except that same is hereby changed from One Hundred Eighty (180) days to twelve months period.

TENTS AND AWNINGS.

See "Awnings."

TERMITE EXTERMINATORS.

Every person, firm or corporation engaged in operating a business of exterminating termites shall pay a license tax of, per annum ----------25.00

PROVIDED, where a termite exterminator is licensed under some other classification the tax shall be per annum ---------- 15.00

THEATRES.

On each room or hall used as a theatre or opera house, other than moving picture theatres, where public exhibition or performances are given for profit, shall pay a license tax of, per annum ----------212.50

No additional tax may be charged for fortune tellers, clairvoyants, and similar crafts appearing under contract in theatres.

NOT PRORATED.

THEATRICAL COMPANIES, MOVING PICTURES OR TRAVELING VAUDEVILLE.

See "Traveling Moving Pictures."

THEATRICAL EXHIBITIONS.

See "Exhibitions, Entertainments, also Pictures."

TILE SETTERS.

Every person, firm or corporation engaged in the business of setting tile, shall pay a license tax of, per annum ----------$10.00

TIN SHOPS OR SHEET METAL WORKING ESTABLISHMENTS.

See "Contractors and Construction Companies."

TIRE DEALERS.

See "Automobile Service Stations."

TITLE INSURANCE.

Every person, firm or corporation engaged in the business of guaranteeing or insuring titles, shall pay license tax of, per annum ----------25.00

TOBACCO, CIGARETTES, ETC.

See, "Cigars, Cigarettes", etc.

TOBACCO WAREHOUSES.

Every person, firm or corporation engaged in the business of operating a warehouse for the sale of leaf tobacco upon commission and occupying a floor space of more than fifteen thousand square feet, shall pay a license tax of, per annum, for each warehouse ---------- 50.00

With less than fifteen thousand square feet of floor space, per annum ---------- 25.00

NOT PRORATED.

TOILET ARTICLES.

See "Perfumes," etc.

TOILET ARTICLES--PEDDLERS OF.

See "Goods, Wares, and Merchandise."

TOMBSTONES AND MARBLE DEALERS.

See "Monuments."

TOURIST CAMPS.

See "Boarding Houses."

TOYS.

Every person, firm or corporation selling or distributing toys, shall pay a license tax of, per annum ---------- 5.00

NOT PRORATED.

TRADE SHOPS

See "Printing Establishments."

TRADING STAMPS, DEVICES, ETC.

See "Devises."

TRANSFER COMPANIES.

See "Drays."

TRANSFER AND STORAGE WAREHOUSES.

See "Storage Warehouses."

TRAVEL BUREAUS AND AGENCIES.

Every person, firm or corporation engaged in the business of conducting a travel or transportation bureau or agency, shall pay an annual license tax of ---------- $10.00

PROVIDED, this shall not apply to any agency of a charitable organization maintained not for profit.

TRAVELING CIRCUSES.

See "Circuses."

TRAVELING THEATRICAL OR MOVING PICTURE COMPANIES.

See "Pictures, Traveling."

TUNING OR REPAIRING ORGANS AND PIANOS.

See "Organ and Piano Tuners."

"U"

UNDERTAKERS.

See "Caskets and Coffins."

UMBRELLA REPAIRERS.

Every person engaged in the business of repairer of umbrellas, shall pay a license tax of as follows:

If not more than one person is employed, per annum ----------$5.00
If more than one person is employed, per annum----------10.00

UPHOLSTERING.

Every person, firm or corporation engaged in the business of upholstering or repairing furniture, shall pay a license tax of, per annum-- 15.00

PROVIDED, this tax shall not be collected from persons, firms or corporatio ns paying a tax on furniture stores.

USED PARTS--AUTOMOBILE EQUIPMENT.

See "Automobile Equipment--Used Parts."

"V"

VAUDEVILLE COMPANIES, TRAVELING THEATRICAL COMPANIES, ETC.

See "Moving Pictures", also "Pictures."

VEHICLE OR WAGONS--ADVERTISING WITH.

See "Advertising."

VETERINARY SURGEONS.

Exempt by State Statutes.

VICTROLAS AND GRAPHOPHONES

See "Organs, Phonographs,", etc.

VULCANIZING.

See "Automotive Service."

"W"

WAGONS OR VEHICLES DRIVEN THROUGH STREETS WITH ADVERTISING SIGNS.

See "Advertising."

WALKING ABOUT STREETS DISPLAYING SIGNS.

Each and every person, firm or corporation delegating someone to walk about the streets and display, for the purpose of advertising a sign, or signs, shall pay a license tax of, per day----------$2.50

Per week ----------$5.00

WASHING MACHINES.

Exempt by State Statutes.

WATERMELONS--SLICED OR CUT.

On each and every person, firm or corporation selling or offering for sale, sliced or cut watermelon, shall be paid a license tax of, per annum 10.00

NOT PRORATED.

The foregoing tax shall not be collected from restaurants or drug stores who have paid the prescribed tax, and all sales shall be subject to ordinances applicable to food handling establishments.

WEIGHING MACHINES.

See "Machines, Slot."

WELDING SHOPS.

Every person, firm or corporation who makes repairs on anything by welding, shall pay a license tax of, per annum ----------$25.00

WEINER STANDS, HOT-DOGS, AND WEINNIES.

See "Restaurants."

WILD WEST SHOWS.

See "Circuses."

WINDOW CLEANERS.

Every person, firm or corporation, engaged in the business of washing windows, cleaning floors, or general housecleaning, shall pay a license tax of, per annum:

Where employing one person ----------$10.00
Where employing two persons ---------- 20.00
Where employing more than two persons ---------- 30.00

WINE.

See Special Ordinance.

WOOD, KINDLING--CHEMICAL.

(a) Every person, firm or corporation selling wood for fuel purposes, and not paying any other license under this Ordinance, shall pay a license tax of, per annum ---------- 5.00

(b) Every person, firm or corporation selling chemical kindling, shall pay a license tax of, per annum ----------50.00

WOOD YARDS.

Saw operated by power, per annum ---------- 15.00
Saw operated by hand, per annum ---------- 5.00

PROVIDED, coal yards paying the $75.00 license tax are not required to pay this additional license for handling wood.

Coal yards paying only the $5.00 license tax shall pay for operating a power saw an additional tax of, per annum ---------- 10.00

WOOLEN MILLS.

Every person, firm or corporation operating a mill manufacturing woolen cloth, shall pay a license tax of, per annum ----------100.00

WRESTLING AND BOXING.

See "Games."

"Y"

YEAST.

Every person, firm or corporation selling or distributing yeast at wholesale, shall pay a license tax of, per annum ---------- 100.00

"Miscellaneous"

ALL BUSINESSES, TRADES, PROFESSIONS, GAMES, DEVICES, OR OTHER UNDERTAKINGS PROSECUTED FOR PROFIT OR GAIN, NOT TAXED HEREIN.

Per annum ----------25.00
Per quarter ---------- 15.00
Per month ---------- 10.00
Per day ---------- 3.00

Section 17

Any person who shall willfully make any false statement in an application for license under any section of this ordinance or schedule, shall, upon conviction, be l iable for a penalty of fifty ($50.00) Dollars.

Section 18

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed; provided, that such repeal shall in no way affect any rights heretofore acquired for the collection of any tax heretofore levied or assessed, or the validity of any sales for taxes heretofore made, or any right heretofore acquired under any ordinance of this city.

I move the adoption of the foregoing ordinance, this 26, day of May, 1938.

Eugene Carland
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted by the Council on first reading the 26 day of May, 1938 with all members of the Council voting "Aye"; read approved and adopted by the Council on second reading the 2 day of June, 1938, with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 16 day of June, 1938, with all members of the Council present voting "aye". This ordinance shall become effective 17th day of July, 1938.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Glenn Moores

R. M. Wells

Glenn Morris

FRONT
A B C D E F G H I J K L M Mc N O P Q R S T U V W Y Y Z

R. M. Wells

R. M. Wells

R. M. Wells

R. M. Wells

R. M. Wells

This was referred to the City Manager.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

City Clerk

August 11, 1938--4:30 P. M.

The City Council met in regular session Thursday, August 11, 1938, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, C. R. Bamford, Eugene Carland, H. G. Etheridge, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

ASHLAND AVE.

A delegation from Ashland Avenue appeared before the Council with the request that Ashland be widened, and extended into McDowell St., and that street lights be placed at needed points on this street. A number of old residents of this street spoke on possibilities for improvements. A committee to be appointed by the delegation will meet with Mr. Burdette Wednesday at 10:30 to go into the matter.

TRAFFIC LIGHT

Rev. Robert H. Spiro asked that the traffic light at Richmond and Haywood Road be again placed at this point. This was referred to the City Manager.

GERARD STREET

Mr. Owens of Pennsylvania Ave. West Asheville, told the Council that he had been sued on account of the over-flow water from Gerard Street running on his neighbors property. He asked the Council to give him assistance.

DEED TO E. D. MITCHELL

Resolution authorizing Mayor to execute deed to E. D. Mitchell and wife, Catherine H. Mitchell was upon motion of Councilman Holmes Bryson, seconded by Councilman Eugene Carland, unanimously adopted.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE DEED TO E. D. MITCHELL AND WIFE, CATHERINE E. MITCHELL.

WHEREAS, on the 9th day of Junem 1938 the City of Asheville sold at the Courthouse door of Buncombe County to E. D. Mitchell and wife, Catherine H. Mitchell, certain property hereinafter described, which property had been advertised in The Asheville Times, a newspaper published in the City of Asheville, as required by law, said E. D. Mitchell and wife, Catherine H. Mitchell being the highest bidders for said property, said bid being in the amount of $200.00: and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute to E. D. Mitchell and wife, Catherine H. Mitchell, a warranty deed for the property sold at the Courthouse door on the 9th day of June, 1938, and more particularly described as follows:

Lying and being in the City of Asheville, County of Buncombe, State of North Carolina, and being Lot 57, Sheet 19, Ward 4 of the City Tax Map.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: Eugene Carland
COUNCILMAN

Read, approved and adopted, this 11 day of August, 1938.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
Corporation Counsel.

Resolution authorizing Mayor to execute quit-claim deed was upon motion of Councilman Bamford, seconded by Councilman Etheridge, unanimously adopted.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising sand; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE TO
6195 & 1120	George L. O'Neal	77 & 78	19	4	Eliza N. Edwards
		226	5	5	Nancy Jane Whittak

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 11th day of August, 1938.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Mayor Wells suggested that the City Manager confer with various groups in the city and arrive at a suggested personnel for the Planning Commission.

The meeting was upon motion adjourned.

R. M. Wells
Mayor

City Clerk

August 18, 1938--4:30 P. M.

The City Council met in regular session with Mayor Wells presiding, Thursday, August 18, 1938. Present: Councilmen Holmes Bryson, J. F. Pivelbiss, Jr., H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

A letter from Patrick Healy, Executive Secretary of the North Carolina League of Municipalities, thanking the City of Asheville for cooperation during the recent convention was read.

Petition was read signed by residents of Gerard Street, requesting that the former name of Brookshire Place be again given this street, and that a street sign be erected at the entrance of said street at Haywood Road bearing the name Brookshire Place. This was referred to the City Manager.

Mr. R. R. Williams, Attorney, spoke in regard to the petition before the Council to widen and improve Ashland Avenue, with the suggestion that a survey be made immediately outlining the project. This was referred to the City Manager.

Miss Fannie McCoy reported that a former City Employee by the name of Rutledge Bass was in want, and could not get assistance from the Welfare Department. She also reported that her water bills at 111 Biltmore and 68 Church Street were excessive.

The following resolution was upon motion of Councilman Pivelbiss, seconded by Councilman Bamford, unanimously adopted:

A RESOLUTION APPROVING AND ADOPTING THE PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE CONSTRUCTION OF AN AUDITORIUM-CONVENTION HALL AND AUTHORIZING THE ADVERTISEMENT FOR BIDS

WHEREAS, detailed plans, specifications and contract documents for the construction of an Auditorium-Convention Hall, have been presented by Linsey Madison Gudger, AIA; and

WHEREAS, this Council has fully considered said plans, specifications and contract documents, and finds that it is for the best interest of the City of Asheville to construct the Auditorium-Convention Hall as therein provided:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE AS FOLLOWS:

Section 1: That the plans, specifications and contract documents referred to in the preamble hereof for the construction of an Auditorium-Convention Hall be, and the same are hereby, in all respects, approved and adopted as the official plans, specifications and contract documents to be used in connection with

the prosecution of the work in such construction. That for the purpose of identification, there shall be indorsed on one set of such plans, specifications and contract documents by Lindsey Madison Gudger, AIA, the following:

Duly adopted by Resolution of
Council of the City of Asheville
on the 18th day of August, 1938.

Robert M. Wells
Mayor

Such set of plans, specifications and contract documents with the indorsement thereon, shall remain on file in his office.

Section 2: That legal notice be given by the publication in a newspaper in Asheville, County of Buncombe, that sealed bids for the construction of an Auditorium-Convention Hall in accordance with said plans, specifications and contract documents, will be received by this Council at the City Hall in Asheville, until eleven o'clock, A. M., on the 14th day of September, 1938. Such notice shall be in the form of an advertisement for bids, filed in the office of the Mayor as a part of the approved plans, specifications and contract documents.

I move the adoption of the foregoing resolution, this 18 day of August, 1938.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted this 18 day of August, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

A regular meeting of the Council of the City of Asheville was held on the 18th day of August, 1938.

The meeting was called to order by Mayor Robert M. Wells and on roll call the following answered present: Councilmen: Holmes Bryson, J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells.

The following were absent: Councilman R. E. Shuford, who died August 14, 1938.

After discussion of the offer of the United States of America to aid by way of grant in financing the construction of an Auditorium-Convention Hall the following Resolution entitled "A Resolution Accepting the Offer of the United States to the City of Asheville to Aid by Way of Grant in Financing the Construction of an Auditorium-Convention Hall" was proposed by J. E. Divelbiss, Jr., and read in full:

A RESOLUTION ACCEPTING THE OFFER OF THE UNITED STATES TO THE CITY OF ASHEVILLE TO AID BY WAY OF GRANT IN FINANCING THE CONSTRUCTION OF AN AUDITORIUM-CONVENTION HALL

Be it resolved by the Council of the City of Asheville

Section 1. That the offer of the United States of America to the City of Asheville to aid by way of grant in financing the construction of an Auditorium-Convention Hall, a copy of which offer reads as follows:

City of Asheville,

Asheville, North Carolina.

1. Subject to the Terms and Conditions (PWA Form No. 230, as amended to the date of this Offer) which are made a part hereof, the United States of America hereby offers to aid in financing the construction of a City Auditorium, including the necessary equipment therefor (herein called the "Project"), by making a grant to the City of Asheville, North Carolina (herein called the "Applicant"), in the amount of 45 percent of the cost of the project upon completion, as determined by the Federal Emergency Administrator of Public Works (herein called the "Administrator"), but not to exceed, in any event, the sum of $102,272.

2. By acceptance of this Offer the Applicant Covenants to begin work on the Project as early as possible but in no event later than 8 weeks from the date of this Offer and to complete such Project with all practicable dispatch, and in any event within 12 months from the commencement of construction.

3. This Offer is made subject to the express condition that, if the Administrator shall determine at any time that the Applicant has paid or agreed to pay, whether directly or indirectly, a bonus, commission or fee to any person, firm or corporation for attempting to procure an approval of the Applicant's application, or for alleged services in procuring or in attempting to procure such approval, or for activities of the nature commonly known as lobbying performed or agreed to be performed in connection with the application, then the Administrator shall have the right, in his discretion, to rescind this Offer and any agreements resulting herefrom, and, in the event of such rescission, the United States of America shall be under no further obligation hereunder.

UNITED STATES OF AMERICA

Federal Emergency Administrator
of Public Works

By H. A. Gray
Assistant Administrator

be and the same is hereby in all respects accepted.

Section 2. That said City of Asheville agrees to abide by all the Terms and Conditions of said offer, including the Terms and Conditions annexed thereto and made a part thereof.

Section 3. That the City of Asheville be and it is hereby authorized and directed forthwith to send to the Federal Emergency Administration of Public Works three certified copies of the proceedings of the Council of the City of Asheville in connection with the adoption of this Resolution, setting forth this Resolution in full, and such further documents or proofs in connection with the acceptance of said offer as may be requested by the Federal Emergency Administration of Public Works.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: C. R. Bamford
COUNCILMAN

Read, approved and adopted, this 18 day of August, 1938.

R. M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

The above resolution was seconded by C. R. Bamford and was adopted, with the following voting aye: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, and the following voting nay: None

I, Glenn Morris, being the duly appointed, qualified and acting City Clerk of the City of Asheville, N. C., do hereby certify that the foregoing resolution was regularly passed and adopted by the Council of the City of Asheville at a regular meeting thereof held on the 18th day of August, 1938.

Glenn Morris
City Clerk

P. M. Burdette, City Manager, presented resolution adopting budget of the City of Asheville for the fiscal year beginning July 1, 1938 and ending June 30, 1939, which upon motion of Councilman Eugene Carland, seconded by Councilman H. G. Etheridge, was unanimously adopted.

RESOLUTION ADOPTING THE BUDGET FOR THE CITY OF ASHEVILLE FOR THE FISCAL YEAR BEGINNING JULY 1, 1938 AND ENDING JUNE 30, 1939

WHEREAS, the City Manager of the City of Asheville presented to the City Council this the 18th day of August, 1938 the operating and debt service budget for the City of Asheville for the fiscal year beginning July 1, 1938 and ending June 30, 1939, and the budget as presented shows the amount to be expended for the operation of the various departments of the City of Asheville and the amount to be expended for debt service as follows:

(a)	General Government	$143,629.80
(b)	Law	20,791.35
(c)	Finance	26,257.46
(d)	Public Welfare	46,668.18
(e)	Public Safety	281,747.09
(f)	Libraries	20,000.00
(h)	Public Works	250,414.65
(k)	Engineering	8,912.60
	Total operating	798,421.13
	Debt Service	
	Principal and Interest	
	General Refunding Bonds	310,000.00
	Water Refunding Bonds	200,000.00
	Judgment Funding Notes	13,665.00
	Total Debt Service	523,665.00
	Total Appropriations	1,322,086.13

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the budget as presented to the City Council by the City Manager on the 18th day of August, 1938 covering the City of Asheville operating and debt service appropriations, as outlined above, the total being $1,322,086.13, be approved and the same is hereby adopted as the budget of the City of Asheville for the fiscal year 1938-1939.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 18th day of August, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

An ordinance adopting and appropriating the operating budget of the City of Asheville for the fiscal year 1938-1939, was upon motion of Councilman Eugene Carland, seconded by Councilman H. G. Etheridge, unanimously passed on its first reading. A roll call was taken and Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Etheridge voted "aye", Councilman Carland voted "aye", and Councilman Wells voted "aye", and Councilman Bamford voted "aye".

Resolution authorizing Mayor to execute deed to Walter C. Wilson and wife, Kelly L. Wilson, and G. Wilbur Morris and wife, Lillian Morris, was upon motion of Councilman Etheridge, seconded by Councilman Carland, unanimously adopted.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE DEED TO WALTER C. WILSON AND WIFE, KELLY L. WILSON, AND G. WILBUR MORRIS AND WIFE, LILLIAN MORRIS

WHEREAS, on the 17th day of June, 1938 the City of Asheville sold at the Courthouse door of Buncombe County to Walter C. Wilson and wife, Kelly L. Wilson, and G. Wilbur Morris and wife, Lillian Morris, certain property hereinafter described, which property had been advertised in The Asheville Times, a newspaper published in the City of Asheville, as required by law, said Walter C. Wilson and wife, Kelly L. Wilson, and G. Wilbur Morris and wife, Lillian Morris, being the highest bidders for said property, said bid being in the amount of $400.00; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute to Walter C. Wilson and wife, Kelly L. Wilson, and G. Wilbur Morris and wife, Lillian Morris, a warranty deed for the property sold at the Courthouse door on the 17th day of June, 1938, and more particularly described as follows:

Lying and being in the City of Asheville, County of Buncombe, State of North Carolina, and being Lot 66, Sheet 15, Ward 6.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: Eugene Carland
COUNCILMAN

Read, approved and adopted, this 18 day of August, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

A resolution of the City Council of the City of Asheville, North Carolina expressing regret at the passing of Robert Ernest Shuford was read by the City Manager. Upon motion of Councilman Etheridge, seconded by Councilman Bryson, the resolution was adopted, and the Council adjourned out of respect to the memory of Councilman R. E. Shuford.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA EXPRESSING REGRET AT THE PASSING OF ROBERT ERNEST SHUFORD

WHEREAS, on August 15, 1938 Robert Ernest Shuford passed away in the City of Asheville, North Carolina. His death was a stunning blow to not only the city as a whole but to each and every member of the City Council. Mr. Shuford was an active member of this governing body and interested himself deeply in the affairs of the city; and

WHEREAS, in his work he was always congenial, lovable and conscientious, and held the respect and admiration of his brother councilmen, who sought his advice and wise counsel in questions that came before them; and

WHEREAS, comparatively young in life but experienced in public service, all those who came in contact with Mr. Shuford knew him to be a man of courage, faithfulness, honesty, integrity, and a man who gave his heart to anything he undertook, always in a dignified way befitting his character. The City of Asheville will miss Robert Ernest Shuford. We, the members of this governing body, are deeply grieved;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That each member of the City Council, individually and as a body, express to Mr. Shuford's family his deepest regret and sympathy at his passing; that a copy of this resolution is hereby ordered spread upon the minutes of the City of Asheville, a copy sent to the press of this city, and a copy sent to the family of Mr. Shuford.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: Holmes Bryson
COUNCILMAN

Read, approved and adopted this 18 day of August, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

R. M. Wells
Mayor

Glenn Morris
City Clerk

August 25, 1938--4:30 P. M.

The City Council met in regular session with Mayor Wells presiding, Thursday, August 25, 1938. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Mr. James S. Howell, attorney, filed claim of Miss Catherine Hollars for alleged personal injuries for $1500.00 as follows, which was referred to the City Manager and Corporation Counsel:

August 25, 1938

TO THE HON. MAYOR AND COUNCILMEN OF THE CITY OF ASHEVILLE, ASHEVILLE, NORTH CAROLINA:

You will please take notice, that the undersigned, Miss Catherine Hollars, by and through James S. Howell, her attorney, pursuant to Section 244 of the City Charter of the City of Asheville, hereby claims and demands damages of the City of Asheville as a result of injuries sustained by her on the 7th day of August, 1938, at 4:00 o'clock P. M., at which time the said Miss Catherine Hollars, was injured at Aston Park Swimming Pool, as a result of slipping and falling on metal ladder extending from the upper edge of said pool into the water by reason of defective condition of said ladder, said ladder not being securely fastened to the upper edge of said pool, causing the same to be loose and to shake, and as a result of the lack of repairs, the said Miss Hollars lost her footing and fell while on said ladder, breaking her right leg, and she was thereafter confined to the Aston Park Hospital and treated by Dr. H. G. Brookshire.

That the said ladder is a part of the entertainment features of the said pool at Aston Park, which is operated by the City of Asheville, and same was permitted to become loose and in need of repair, all on account of the negligence of the employees of the City of Asheville in failing to properly inspect and repair the said ladder, and this claimant has suffered from her injuries and has been damaged all in the sum of Fifteen Hundred ($1500.00) Dollars, and this claimant respectfully presents claim for said amount through her counsel and respectfully demands the payment of the same.

James S. Howell

Mr. Zeb F. Curtis and W. G. Hamilton, attorneys, filed claim for Lucy Priestley for alleged personal injuries for $5,000 as follows, which was referred to the City Manager and Corporation Counsel:

THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE, ASHEVILLE, ASHEVILLE, NORTH CAROLINA:-

TAKE NOTICE, that LUCY PRIESTLEY, of #219 Southside Avenue (Apartment House), Asheville, North Carolina, by and through her attorneys, Zeb. F. Curtis and W. G. Hamilton, who are acting for her and at her special request, hereby files claim against the City of Asheville for damages for personal injuries sustained by her at the time, manner and place hereinafter set out.

1. Date: Claimant was injured on the 30th day of July, 1938, at about 9:00 o'clock, p. m.

2. Place: Claimant was injured on Asheland Avenue, one of the public streets of the City of Asheville, a short distance south of Phifer Street in said city at an open water meter box on the west side of Asheland Avenue a little south of its intersection with the south side of Phifer Street.

3. Manner of Injury: Claimant was walking south along the unpaved or dirt sidewalk on the west side of said Asheland Avenue carrying an armful of groceries purchased by her at a store located at the corner of Phifer Street and Asheland Avenue, and as she proceeded along said side walk in a careful manner at a point a little south of the intersection of the south margin of Phifer Street with the west margin of Asheland Avenue, as a result of the negligent failure of the City of Asheville in leaving said water meter box open, or with such a loose or defective cover or lid that it became and was allowed to remain open, and was left unprotected or guarded, and said street was without adequate lights, stepped or fell into an open water meter box located on the west side of said sidewalk a short distance south of Phifer Street as aforesaid.

4. Character of Injury: Claimant sustained painful, serious, severe and permanent injuries as a result of stepping into or falling into said open water meter in the manner above set forth, to-wit, torn ligament of right knee and hip joints, torn ligaments of sacro-iliac joint, internal abdominal injuries, and also a miscarriage.

5. Damages Claimed: That because of the injuries sustained as a result of the negligence of the City, in the manner herein set forth, which condition was known to the City of Asheville, or by the exercise of reasonable diligence on its part, should have known, claimant was damaged in the sum of Five Thousand ($5,000) Dollars.

This the 25th day of August, 1938.

LUCY PRIESTLEY

By Zeb F. Curtis
W. G. Hamilton
Attorneys for Claimant

Miss Fannie McCoy reappeared before the Council and spoke in regard to the condition of the family of Rutledge Bass. This was referred to the City Manager for investigation and report.

Representatives of the Dorchester Avenue Garden Club requested that three vacant lots on Dorchester Avenue and Brucemont Circle be cleared off in order to permit construction of a playground and tennis court for children residing on these streets. This was referred to the City Manager and Corporation Counsel.

An ordinance adopting and appropriating the operating budget of the City of Asheville for the fiscal year 1938-1939 was passed on its second reading, with Councilman Bryson voting "aye", Councilman Divelbiss voting "aye", Councilman Etheridge voting "aye", Councilman Bamford voting "aye", Councilman Carland voting "aye", and Councilman Wells voting "aye".

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
~~Acting~~ City Clerk

September 1, 1938--4:30 P. M.

The City Council met in regular session Thursday, September 1, 1938, at 4:30 P. M. with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Invitation was read from the International City Managers' Association to the twenty-fifth conference to be held in Boston Sept. 26-29.

Letter of thanks for floral offering sent to Councilman Shuford's funeral, was read from Mrs. Robert Shuford and Mr. and Mrs. W. E. Shuford and family.

Resolution approving the establishment by Carolina Power & Light Company of a city-wide three and one-half cents (3½¢) bus fare for students in the public graded and high schools of the city was unanimously passed as follows:

RESOLUTION APPROVING THE ESTABLISHMENT BY CAROLINA POWER & LIGHT COMPANY OF A CITY-WIDE THREE AND ONE-HELF CENTS (3½¢) BUS FARE FOR STUDENTS IN THE PUBLIC GRADED AND HIGH SCHOOLS OF THE CITY.

WHEREAS, the Asheville City School Board and the Asheville Council of the Parent Teacher Association have approved a proposal to establish a City-wide three and one-half cents (3½¢) one-way bus fare by Carolina Power & Light Company for the transportation of students in the public graded and high schools of the City, with certain special school buses to be operated to and from Lee H. Edwards High School and Hall Fletcher High School, beginning with the opening of the schools in the fall of 1938; and

WHEREAS, it is the opinion of the members of the City Council that the adoption of said rate and plan is to the best interest of the public and will facilitate the transportation of students of the City Schools;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

(1) That the present two and one-half cents (2½¢) and the five (5¢) bus fares of Carolina Power & Light Company, operating under franchises and permits, for the one-way transportation of students to and from the public graded and high schools in the City, be and are hereby terminated and abolished.

(2) That a City-wide bus fare of three and one-half cents (3½¢) for the one-way transportation of students to and from the public graded and high schools in the City by Carolina Power & Light Company, operating under franchises and permits now in effect and which may be hereafter granted, is hereby fixed and established.

(3) That for the convenience of students and said Company, special tickets or tokens shall be prepared and sold to public school students at the rate of three and one-half cents (3½¢) per ticket or token.

(4) That, for such time as, in the opinion of the Company, traffic shall justify it, special buses shall operate from the end of the present West Asheville line, also from the corner of Ottari Road and Merrimon Avenue, and from Pritchard Park, to and from Lee H. Edwards High School, and from the end of the present West Asheville line to and from the Hall Fletcher High School, for the transportation of students of said schools; that no transfers shall be issued students to or from these special high school buses, except to and from those having Pritchard Park as a terminus, this special bus service being designed to afford through transportation between the schools and the students' homes, immediately before the opening, and immediately after the closing of school sessions each school day; and transportation on regular buses and on special school buses travelling a less direct route shall not be rendered said high school students for three and one-half cents (3½¢) when service over more direct route is available on special high school buses.

(5) That the City Manager is authorized and directed to issue such permits and renewal of permits as shall, from time to time be applied for by said Company in the furtherance of the transportation service herein contemplated and for the fare set out in this resolution.

(6) That the City of Asheville shall become co-petitioner with said Carolina Power & Light Company in applying to the North Carolina Utilities Commissioner for his approval of the establishment of said three and one-half cents (3½¢) school fare, and the issuing of said special school tickets or tokens for the students of the public graded and high schools in the City, and that the Corporation Counsel of the City of Asheville is hereby authorized and directed to sign such petition in the name of, for, and in behalf of the City of Asheville.

(7) That the fare herein established shall be in full force and effect as soon as the said fare is approved and authorized by the North Carolina Utilities Commissioner.

I move the adoption of the foregoing resolution.

H. G. Etheridge
Councilman

SECONDED BY: Eugene Carland
Councilman

Read, approved and adopted, this 1 day of September, 1938.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

(Seal)

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

QUIT-CLAIM DEEDS

Resolution Authorizing Mayor to Execute Quit-Claim deeds was upon motion of Councilman Bryson, seconded by Councilman Bamford, unanimously passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax-relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNERS	LOTS	SHEETS	WARDS	MAKE DEEDS TO
675	Carl Beutel	99	7	3	Carl Beutel & wife, Pauline Beutel
2551	John C. Justice	99½ & 95	7	6	Dewey Lisenbe

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Holmes Bryson
Councilman

Seconded by: C. R. Bamford
Councilman

Read, approved, and adopted this 1 day of September, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

An ordinance adopting and appropriating the operating budget of the City of Asheville for the fiscal year 1938-1939 was passed on its third and final reading with Councilman Bryson voting "aye", Councilman Divelbiss voting "aye", Councilman Etheridge voting "aye", Councilman Bamford voting "aye", Councilman Carland voting "aye" and Councilman Wells voting "aye".

AN ORDINANCE ADOPTING AND APPROPRIATING THE OPERATING BUDGET OF THE CITY OF ASHEVILLE FOR THE FISCAL YEAR 1938-1939.

WHEREAS, on the 18th day of August, 1938 the City Council of the City of Asheville adopted an operating budget in the amount of $798,421.13 with a debt service of #523,665.00, making a total appropriation of $1,322,086.13;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the following operating budget is hereby adopted and the amounts indicated herein appropriated for the operation of the different departments of the City of Asheville for the fiscal year beginning July 1, 1938 and ending June 30, 1939, inclusive:

(a)	General Government	$143,629.80
(b)	Law	20,791.35
(c)	Finance	26,257.46
(d)	Public Welfare	46,668.18
(e)	Public Safety	281,747.09
(f)	Libraries	20,000.00
(h)	Public Works	250,414.65
(k)	Engineering	8,912.60
	Total operating	798,421.13
	Debt Service	
	Principal and Interest	
	General Refunding Bonds	310,000.00
	Water Refunding Bonds	200,000.00
	Judgment Funding Notes	13,665.00
	Total Debt Service	523,665.00
		1,322,086.13

Section 2. That a tax rate of $1.47 per $100.00 valuation upon all property of every nature within the corporate limits of the City of Asheville (.5963 per $100.00 valuation for debt service, and .8737 per $100.00 valuation for operating expenses) be and the same is hereby levied, and ordered to be collected in accordance with law for the fiscal year 1938-39, as aforesaid.

Section 3. That the Director of Finance of the City of Asheville is hereby authorized to make the expenditure for the operation of the departments of the City of Asheville and debt service in accordance with the budget adopted and approved as aforesaid.

I move the adoption of the foregoing ordinance, this 18 day of August, 1938.

Eugene Carland
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted, this 1 day of September, 1938, to become effective 18 day of Sept. 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
Corporation Counsel.

MAJOR L. LYONS LEE
ELECTED COUNCILMAN

Mayor Wells announced that due to the death of Councilman Shuford, there existed a vacancy on the City Council and asked for nominations. Councilman Etheridge with well chosen words, nominated Major Lyons Lee, which was seconded by Councilman Bamford; Councilman Bryson moved that nominations be closed, which was seconded by Councilman Carland, and Major Lee was unanimously elected to the City Council, with the following vote: Councilman Bryson voted "aye, Councilman Divelbiss voted "aye, Councilman Etheridge voted "aye", Councilman Bamford voted "aye, Councilman Carland voted "aye" and Councilman Wells voted "aye.

Oath of office was duly administered to Major Lee by Mayor Wells as follows:

State of North Carolina,
County of Buncombe.

L, L. LYONS LEE, do solemnly swear that I will obey the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina, and that I will in all respects support the provisions of the Charter of the City of Asheville, and the ordinances of the City of Asheville, and faithfully discharge the duties of the office of Councilman; so help me God.

L. LYONS LEE

The foregoing oath was duly sworn to and subscribed before me this the 1st day of September, A.D., 1938.

R. M. Wells
Mayor

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

September 8, 1938--4:30 P. M.

The City Council met in regular session Thursday, September 8, 1938, at 4:30 P. M., with Mayor Wells presiding. Present: Councilmen Lyons Lee, H. C. Etheridge, C. B. Bamford, Eugene Carland, Robert M. Wells, and Philip C. Cocke, Jr. Corporation Counsel. Minutes of the previous meeting were read and approved.

Mr. Don C. Young, Attorney, and Mr. Louis Lipinsky, representing the Community Chest requested that the Council pass an Ordinance prohibiting the solicitation of funds in the City without permit and investigation by the City. Mayor Wells asked this committee to confer with the Corporation Counsel, who would assist the committee in any way possible.

Attorney James S. Howell filed notice of claim of Mary Arnold for alleged injuries in the sum of $1,500, which was referred to the City Manager and Corporation Counsel.

TO THE HON, MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE,
ASHEVILLE, NORTH CAROLINA:

You will please take notice that the undersigned, Mary Arnold, by and through James S. Howell, her attorney, pursuant to Section 244 of the City Charter of the City of Asheville, hereby claims and demands damages of the City of Asheville as a result of injuries sustained by her on the 2nd day of September, 1938, at about 7:45 P.M. on said date, at which time said Mary Arnold was injured at the Southwest corner of Eagle Street and South Spruce Street in the City of Asheville, North Carolina, across the street from the Mt. Zion Baptist Church at which time the said Mary Arnold sustained personal injuries as a result of slipping and falling at said intersection by reason of the fact that there is an unusual slope away from the curbing at said intersection so that when stepping down the slope threw this clainant forward, and at about 3½ to 4 feet away from the curbing there is a brass plate or disk which rises slightly above the street level and which is worn smooth, used as a mark indicating the laying of bithulitic pavement, and when this claimant stepped from the curb down about 8 inches to the sloping pavement, she was thrown forward and her other foot slipped on the brass disk, and the condination of the neglected and improperly sloping pavement and the slick brass disk caused this claimant to fall and severly wrench and sprain her left ankle joint, resulting in torn internal and external lateral ligaments, and the claimant was thereafter treated by Dr. L. O. Miller, and has been confined to her home, and has been damaged as hereinafter set out.

That this claimant lives in the opposite end of the city from the intersection of Eagle and South Spruce Streets, and was not familiar with the step-down at said intersection, and it was just at the hour of day known as dusk, to-wit: About 7:45 P. M.

That the agents and employees and governing body of the City of Asheville were negligent in permitting said pavement to remain in the dangerous condition by reason of the sudden sloping away from the curbing down hill, and permitting the brass disk to become exposed above the level of the asphalt paving and permitting a dangerous condition to pedestrians who were unfamiliar with that section of the city, and the employees of the City of Asheville were negligent and careless in failing to repair said condition, and this claimant has suffered personal injuries, all in the sum of Fifteen Hundred ($1,500.00) Dollars, and this claimant respectfully presents claim for said amount through her counsel and respectfully demands the payment of the same.

James S. Howell
Attorney for Claimant.

TO THE HON. MAYOR AND COUNCILMEN OF THE CITY OF ASHEVILLE, ASHEVILLE NORTH CAROLINA:

You will please take notice, that the undersigned, Clifford W. Robinson, Jr., age 9 years at the time of the injury, (now 10 years of age), pursuant to Section 244 of the City charter of the City of Asheville, hereby claims and demands damages of the City of Asheville as a result of injuries sustained by him on the 13th day of March, 1938 at about 10:30 A. M., at which time the said Clifford W. Robinson, Jr. was injured at Montford Park as a result of slipping and falling into and down a steep grade by the side of a stream running through said park, said steep grade or bank being unprotected, due to the negligence and carelessness of the agents and employees of the City of Asheville, said steep grade and the land adjoining being used as a playground for children and said steep bank being a dangerous and unsafe place adjoining the level ground on which children play in said Montford Park, which is located between Cumberland Ave. and Montford Ave., in the City of Asheville, North Carolina, said minor child while playing having slipped and fallen over the edge of said steep bank due to the failure of employees and agents and the governing authroities of the City of Asheville to not provide proper protection to said embarkment in the way of a fence or wire or posts, and

and as a result of falling down the steep embankment, this said minor sustained cuts and bruises to his chain and below his lower lip, and many of his teeth were loosened as a result of the fall and he is now undergoing medical attention in an effort to straighten and save said teeth, and said minor has been required to incur obligations for medical expenses, having been treated by Dr. William Justice, and Dr. W. J. Turbyfill.

That as a result of the defective condition of the premises as hereinbefore set out and due to the negligence of the employees of the City of Asheville in not providing proper protection to the steep embankment leading to the stream in said Montford Park, this claimant has been seriously and probably permanently injured and damaged, all in the sum of Two Thousand Five Hundred ($2,500.00) Dollars, and this claimant respectfully presents claim for said amount through his counsel and respectfully demands payment of the same.

That this claimant is advised that his infancy suspends the period of time of 90 days prescribed by the City Charter of Asheville for the filing of claim, and this claimant respectfully shows that he is in the same position as a person who has been mentally or physically disabled and unable to present a claim by reason of his tender years, and therefore requests payment for his damages as aforesaid.

James S. Howell
Attorney for claimant.

This was referred to the Corporation Counsel and City Manager.

CLAIM EUGENE THOMAS

Attorney Vonno Gudger, representing Eugene Thomas, filed claim for alleged injuries in the sum of $500.00 which claim was referred to the City Manager and Corporation Counsel.

STATE OF NORTH CAROLINA
CITY OF ASHEVILLE

Eugene Thomas NOTICE OF CLAIM
vs.
City of Asheville.

TO THE HONORABLE MAYOR AND BOARD OF COUNCILMEN
OF THE CITY OF ASHEVILLE, NORTH CAROLINA:

Please take notice by this writing, and by advertance to, and in compliance with the Charter of the City of Asheville, the statutes and laws of the State of North Carolina, that the undersigned and above-named claimant claims and demands of the City of Asheville, and asserts and avers as follows:

1.

That on or about the 7th day of August, 1938, was the time of the infliction of the injuries complained of herein and hereby, on the person of this complainant.

2.

That the place of the happening or infliction of said injuries was at and in the sidewalk on the south side of Patton Avenue, in front of the building owned by Bessie Wilson, occupied by S. P. Bryce, known as No. 244 on said street, in the City of Asheville, North Carolina.

3.

That the manner of the infliction of the said injuries on the person of said claimant, and the negligence of your City involved therein as matters of fact and law, as claimant knows and is informed and believes, were as follows, to-wit:

That he fell over, stumping his toe upon the large metal ring negligently allowed to remain protruding from the top of the metal covering of a man hole built and allowed to remain in said sidewalk for several years and up to the time of claimant's injuries; and claimant's failure to see said metal top and ring because of the insufficient lighting of the street at the said man hole; claimant fell after good dark on the night aforesaid. And for that the top of said man hole and the ring therein was not the customary and approved construction of such tops of man holes in side walks, and was not and is not the type approved and in general use on sidewalks in this and other cities.

That all of said negligence of the City, aforesaid, were the sole and proximate cause of claimant's injuries.

4.

That the extent and character of claimant's injuries, as he is now informed and believes are as follows, to-wit:

That he suffered abrasions and bruises, especially on the back of his head, also on injury to the left arm, and an abrasion thereof at the elbow which soon became infected after his injuries; that such injuries required him

him to remain in bed for several days and to be wholly incapacitated for work for several weeks, and that he still suffers with his left elbow and head; that his head is badly scarred, disfiguring his appearance. That he has lost time from his work and considerable wages in the past, and will suffer permanently from his injuries.

5.

And claimant claims and demands damages because of and directly and legally resulting from said injuries in the sum of Five Hundred ($500.00) Dollars, invokes the Charter and laws as to the decision of your Honorable Board within the time prescribed therefor, therein else claimant will resort to legal action.

Vonno Gudger
W. G. Hamilton
Attorneys for Claimant

STATE OF NORTH CAROLINA
BUNCOMBE COUNTY.

EUGENE THOMAS being first duly sworn, deposes and says: That he is the claimant named herein; that he has read or heard read the foregoing notice of claim and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated upon information and belief, and as to those matters he believes it to be true.

Eugene Thomas

Sworn to and subscribed before me this the 8th day of September, 1938.

Moselle G. Parler
Notary Public

My Commission expires
3 rd day of March, 1938.

Mr. R. L. Mears of Mears Avenue, W. Asheville, asked that his street be improved as it was almost impassable. This was referred to the City Manager.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Flora Morris
City Clerk

September 15, 1938--4:30 P. M.

The City Council met in regular session with Mayor Wells presiding, Thursday, September 15, 1938. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, and P. M. Burdette, City Manager. Minutes of the previous meeting were read and approved.

E. W. Pearson, Colored, requested the Council to permit him in the interest of the Colored Agricultural Fair to be held soon, to rope off Chotaw Street during the Fair. This was referred to the City Manager.

Resolution ordering the filing of bids on the Auditorium-Contention Hall for the City of Asheville was unanimously passed as follows:

RESOLUTION ORDERING THE FILING OF BIDS

WHEREAS, pursuant to advertisement, bids for the construction of an Auditorium-Convention Hall for the City of Asheville have been filed by the following bidders:

For the General Contract:

Charles W. Angle
Robinson Brothers, Contractors, Inc.
John M. Geary
Potter & Shackelford
Daniel Constr. Co.
Dion Roberts
J. A. Jones Constr. Co. (disqualified)
A. H. Guion Co.
J. J. McDevitt
Southeastern Constr. Co.

For Structural Steel Contract:

Dave Steel Co.
Carolina Steel & Iron Co.
Virginia Bridge Co.

For the Heating Contract:

H. W. Kindler (protested)
Bagwell Plbg. & Heating Co.
Albermarle Plbg. & Heating Co.
J. L. Powers
Reliance Engineering Co.
Poe Piping & Heating Co.

For the Plumbing Contract:

Albemarle Plbg. & Htg. Co.
J. L. Powers
H. W. Kindler (protested)
Wilson Plbg. Co.

that said bids have been duly received, opened and public read:

NOW, THEREFORE, BE IT RESOLVED that the bids listed in the preamble hereof be filed and presented to Lindsey Madison Gudger, Consulting Architect, and that the said Architect is hereby directed forthwith to tabulate said bids, and at the earliest practicable moment report to this Council of the City of Asheville, his findings as to the lowest and best bid.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted this 15 day of September, 1938.

R. M. Wells
Mayor

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

State of North Carolina
County of Buncombe.

I, Glenn Morris, being the duly elected, acting and qualified City Clerk of the City of Asheville, N. C., DO HEREBY CERTIFY that the foregoing is a true and accurate and compared copy of a Resolution, entitled, "Resolution Ordering the Filing of Bids", duly adopted by the City of Asheville, on the 15th day of September, 1938, and that said Resolution has been duly recorded in Book No. 1 on page 451.

Given under my hand and Seal this 15 day of September, 1938.

Glenn Morris
City Clerk.

On motion of Councilman Carland, seconded by Councilman Divelbiss, the meeting of the Council was recessed until Monday, September 19, at 4:30 so that the Council could consider the tabulated bids on the Auditorium-Contention Hall.

R. M. Wells
Mayor.

Glenn Morris
City Clerk.

Monday, September 19, 1938--4:30 P. M.

The City Council met in recess session Monday, September 19th at 4:30 P.M., with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr. L. Lyons Lee, H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel.

Mr. Lindsey M. Gudger, Architect for the Asheville Auditorium-Convention Hall made the following report and recommendation; that all Auditorium-Convention Hall be rejected that were submitted on September 14 on the Auditorium-Convention Hall, and recommended further that he be authorized to re-advertise for such bids, and that excavation costs be taken from the general contract and bids for excavation be advertised for separately.

The report and recommendations of Mr. Gudger was upon motion adopted, and the following resolutions were passed:

RESOLUTION REJECTING ALL BIDS TENDERED SEPTEMBER 14, 1938 FOR THE CONSTRUCTION OF THE ASHEVILLE AUDITORIUM AND CONVENTION HALL

WHEREAS, Lindsey Madison Gudger, consulting architect, pursuant to a resolution heretofore adopted, has tabulated and considered all bids heretofore received for the construction of the Asheville Auditorium and Convention Hall, and has duly made his recommendations to this governing body, and it appearing from said recommendations and report that the lowest and best base bid is in excess of the funds available;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That all bids tendered on September 14, 1938 for the construction of the Asheville Auditorium Convention Hall be and the same are hereby rejected.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted this 19 day of September, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

RESOLUTION

RESOLUTION AUTHORIZING LINDSEY MADISON GUDGER, ARCHITECT, TO REVISE PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE CONSTRUCTION OF THE ASHEVILLE AUDITORIUM AND CONVENTION HALL

WHEREAS, on September 14, 1938 bids were received for the construction of the Asheville Auditorium and Convention Hall; and

WHEREAS, as shown by resolution duly passed by the governing body of the City of Asheville, the lowest and best base bid was in excess of the funds available for said construction; and

WHEREAS, the City Council of the City of Asheville deems it advisable to authorize Lindsey Madison Gudger to redraft plans, specifications and contract documents for the construction of said Asheville Auditorium and Convention Hall, and tp present same to this governing body for approval upon completion;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Lindsey Madison Gudger, consulting architect, be and he is hereby authorized to redraft plans, specifications and contract documents for the construction of the Asheville Auditorium and Convention Hall, and present said plans, specifications and contract documents to this Council for approval upon completion of same.

I move the adoption of the foregoing resolution.

C. R. Bamford
COUNCILMAN

SECONDED BY: L. LYONS LEE
COUNCILMAN

Read, approved and adopted, this 19 day of September, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

RESOLUTION AUTHORIZING LINDSEY MADISON GUDGER, ARCHITECT, TO ADVERTISE FOR BIDS FOR THE EXCAVATION INCIDENT TO THE CONSTRUCTION OF THE ASHEVILLE AUDITORIUM AND CONVENTION HALL

WHEREAS, the City Council of the City of Asheville deems it advisable to start construction of the Asheville Auditorium and Convention Hall at an early date; and

WHEREAS, in order to start said construction it becomes necessary for bids to be advertised for for the excavation incident to the construction of said auditorium and convention hall;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Lindsey Madison Gudger be and he is hereby authorized and empowered to advertise for bids for the excavation incident to the construction of the Asheville Auditorium and Convention Hall.

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

SECONDED BY:

HOLMES BRYSON
COUNCILMAN

Read, approved and adopted this 19 day of September, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Thursday, September 22, 1938--4:30 P. M.

The City Council met in regular session Thursday, September 22, 1938, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, L. Lyons Lee, H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

STREET LIGHT

Request for a street light at Cross and East Lane Streets was read from the residents of that section. This request was referred to the City Manager.

DR. FRANK C. FOSTER

Dr. Frank C. Foster, Dean of the Asheville Normal & Teachers College, spoke on the work this institution had been able to do for this section of the state, and said since other teachers college were in this section, that the Mission Board of the Presbyterian Church might withdraw its support in 1940. He said at the end of a survey to be made by the Government he would have something more definite to give the Council. He also spoke of traffic nuisances that the School was force to endure. This matter was referred to the City Manager.

MINISTERIAL ASSOCIATION

Dr. Chapin, Rev. Nease and Rev. Starnes, representing the Ministerial Association requested that a swimming pool be provided for the negro in the City. The committee was told that the City is now providing a Park for the colored population of the City, and that a swimming pool would be added to this project, when it could be financed.

ACCEPTING DEED OF CONVEYANCE FROM CITIZENS HOTEL CORPORATION TO CITY OF ASHEVILLE

Resolution accepting deed of conveyance for certain property from the Citizens Hotel Corporation to the City of Asheville was upon motion of Councilman Etheridge, seconded by Councilman Carland, unanimously passed.

RESOLUTION ACCEPTING DEED OF CONVEYANCE FOR CERTAIN PROPERTY FROM THE CITIZENS HOTEL CORPORATION TO THE CITY OF ASHEVILLE

WHEREAS, the Citizens Hotel Corporation having agreed upon certain conditions to deed to the City of Asheville certain property located within the corporate limits of the City of Asheville, part of which is to be used for the building of the Auditorium and Convention Hall; and

WHEREAS, part of said property described in said deed of conveyance is to be used and dedicated for street purposes by the City of Asheville in consideration of said deed of conveyance; and

WHEREAS, said streets to be dedicated for the public use are set out in said deed conveyance and the description of same being given;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Corporation Counsel be and he is hereby authorized to accept said deed of conveyance and to record same in the office of the Register of Deeds for Buncombe County.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY:

EUGENE CARLAND
COUNCILMAN

Read, approved and adopted, this 22 day of September, 1938.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Resolution authorizing Mayor to execute Deed to Elsie Wilson and Bernard Warren was upon motion of Councilman Bryson, seconded by Councilman Etheridge, unanimously passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE DEED TO ELSIE WILSON AND BERNARD WARREN

WHEREAS, on the 9th day of September, 1938 the City of Asheville sold at the Courthouse door of Buncombe County to Elsie Wilson and Bernard Warren certain property hereinafter described, which property had been advertised in The Asheville Times, a newspaper published in the City of Asheville, as required by law, said Elsie Wilson and Bernard Warren being the highest bidders for said property, said bid being in the amount of $25.00; and

WHEREAS, said bid is hereby accepted by the City Council of the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to execute to Elsie Wilson and Bernard Warren a Quit Claim deed for the City's interest in and to the property sold at the Courthouse door on the 9th day of September, 1938, and more particularly described as follows:

Lying and being in Upper Hominy Township, adjoining the lands of J. T. Massey and others, and BEGINNING on a maple on the northwest side of a branch, the divisional corner between Linton K. Case, and said Manley Warren, and also J. T. Massey's corner, and runs with said Massey's line and up with said branch, six calls as follows: North 62 deg. East 5.12 poles, North 85 deg. East 7 poles to a large poplar, South 41 3/4 deg. East 12 poles, South 16½ East 8 poles to a stake in the Beaverdam Road, South 50 3/4 deg. East 7.64 poles; South 31½ 5.52 poles to a dogwood at the head of the branch; then with another line of said J. T. Massey's South 45 3/4 deg. East 18 poles to a stake, the divisional corner between said Manley Warren and Linton K. Case; thence with the divisional line; three calls as follows, then South 89 3/4 deg. West 21.36 poles to a chestnut near the top of the ridge, then North 59¼ deg. west 33.60 poles to a stake; then North 21 deg. East 20 poles to the BEGINNING, containing six acres, more or less.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 22 day of September, 1938.

R. M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution appointing a PLANNING COMMISSION for the City of Asheville was upon motion of Councilman Carland, seconded by Councilman Etheridge, unanimously adopted.

RESOLUTION APPOINTING A PLANNING COMMISSION FOR THE CITY OF ASHEVILLE

WHEREAS, the City Council of the City of Asheville deems it advisable at this time to appoint a PLANNING COMMISSION for said City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That pursuant to the laws of the State of North Carolina and the Charter of the City of Asheville the following named citizens are hereby appointed as a PLANNING COMMISSION for the City of Asheville, North Carolina, to serve for a period of two years, or until their successors are appointed:

Verne Rhodes
Theodore Sumner
Walter Damtoft
Asbury C. Burnett
Frank W. Parker

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted this22 day of September, 1938.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

City Clerk

Thursday, September 29, 1938--4:30 P. M.

The City Council met in regular session Thursday, Sept. 29, 1938, at 4:30 P. M. with Mayor Wells presiding. Present: Councilmen C. B. Rumford, Eugene Carland, H. G. Etheridge, L. Lyons Lee, Robert M. Wells, and City Manager P. M. Burdette. Minutes of the previous meeting were read and approved.

[illegible]

Residents of Merritt Street, off of Clingman Ave., requested a street light, water main from Clingman Street to Merritt St. and hard surface for this street. This request was referred to the City Manager.

[illegible]

Upon motion of Councilman Carland, seconded by Councilman Etheridge, the meeting was recessed until Monday at 4:30 P. M.

R. M. Wells
Mayor

City Clerk

Monday, October 3, 1938--4:30 P. M.

The Council met in recess meeting Monday, October 3, 1938, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., Eugene Carland, H. G. Etheridge, L. Lyons Lee, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr.

Resolution declaring operative a centain refunding plan and authorizing the execution of an agreement with Eugene M. Guise, Refunding Agent, was upon motion of Councilman Carland, seconded by Councilman Lee, unanimously passed.

RESOLUTION DECLARING OPERATIVE A CERTAIN REFUNDING PLAN AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH EUGENE M. GUISE, REFUNDING AGENT.

WHEREAS, it has been brought to the attention of the City Council that Eugene M. Guise, Refunding Agent, under a certain contract and agreement executed July 7, 1938 by and between the City of Asheville and the said Eugene M. Guise, in accordance with the terms of said contract has procured deposits of outstanding bonds in an amount less than seventy-five (75%) per cent, but sufficient in the judgment of the Refunding Agent and the City Council to warrant declaring said plan operative;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That said Refunding Plan, be, and it is hereby, declared operative.

BE IT FURTHER RESOLVED, that the Mayor and Clerk of this Council be, and they are, hereby, authorized to execute an agreement between the City of Asheville and Eugene M. Guise, Refunding Agent, declaring said Refunding Plan to be operative, a copy of which said agreement was presented to said Council and is ordered to be spread upon the minutes.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY:

L. Lyons Lee
COUNCILMAN

Read, approved and adopted this 3 day of October, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Asheville, N. C.
September 30, 1938.

THIS AGREEMENT, Made and entered into by and between the City of Asheville, (hereinafter referred to as the City), and EUGENE M. GUISE, of St. Louis, Missouri, (hereinafter referred to as the Refunding Agent).

W I T N E S S E T H :

THAT, WHEREAS, by a contract and agreement dated July 7, 1938, the parties aforementioned reached an agreement under which it was sought to effect a plan for refunding certain outstanding obligations of the City; and

WHEREAS, said contract provided that the plan for refunding certain outstanding obligations of the City which was incorporated in and made a part of said contract should be declared operative by agreement of the City and the Refunding Agent; and

WHEREAS, the City and the Refunding Agent [illegible] sufficient number of bonds have been deposited with [illegible] warrant declaring the Refunding plan operative;

IT IS, THEREFORE, in consideration of the [illegible] of the City on its part to consummate the Refunding Plan, [illegible] the terms thereof, and in consideration of the Refunding [illegible] agreeing on behalf of the holders of the bonds deposited [illegible] Union Trust Company of St. Louis, Missouri, under [illegible] deposit, to exchange said bonds for refunding bonds [illegible] to the said Refunding Plan, agreed by and between the [illegible] clare the plan operative and proceed to the consummation [illegible] and agreement dated July 7, 1938, shall continue in [illegible] any statements contained therein notwithstanding, until [illegible] by mutual agreement by the parties thereto, or until the [illegible] (1) year from the date thereof.

IN WITNESS WHEREOF, the said City of Asheville has [illegible] ment to be duly executed by its Mayor, attested by its Clerk, all [illegible] duly authorizing said execution; and said Eugene M. Guise has [illegible] hand and seal this the day and date aforesaid.

City of Asheville.

By Robert M. Wells
Mayor.

ATTEST:

Glenn Morris
Glenn Morris, Clerk.

Eugene M. Guise (Seal)

[illegible]

Resolution ordering the filing of bids on the excavation [illegible] to the construction of an Auditorium and Convention Hall was unanimously [illegible]

RESOLUTION ORDERING THE FILING OF BIDS

WHEREAS, pursuant to advertisement, bids for the [illegible] incident to the construction of an Auditorium and Convention Hall [illegible] filed by the following bidders:

Norman Hildebrand	Asheville, N. C.
Asheville Paving Company	Asheville, N. C.
John M. Geary Con. Co.	Asheville, N. C.
Robinson Brothers, Inc.	Asheville, N. C.
Clyde Reed, Jr.	Asheville, N. C.
Reed and Abee	Asheville, N. C.

that said bids have been duly received, opened and publicly read;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the bids listed in the preamble hereof be filed and referred to Lindsey M. Gudger, Consulting Architect, and that the said Lindsey M. Gudger is hereby directed forthwith to tabulate said bids, and at the earliest practicable moment, report to this Council his findings as to the lowest [illegible]

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

Seconded by:

L. Lyons Lee
COUNCILMAN

Read, approved and adopted this 3rd day of October, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

Resolution awarding contract for excavation incidental to the construction of the Asheville Auditorium and Convention Hall was unanimously passed.

RESOLUTION AWARDING CONTRACT FOR EXCAVATION INCIDENTAL TO THE CONSTRUCTION OF THE ASHEVILLE AUDITORIUM AND CONVENTION HALL.

WHEREAS, Lindsey M. Gudger, Consulting Architect, pursuant to a resolution heretofore adopted, has tabulated and considered all bids heretofore received for the excavation incidental to the construction of an Auditorium and Convention Hall, and has duly made his recommendations to this Council, and it appearing from said recommendations and report that the lowest and best base bid is that of Norman Hildebrand in the sum of $1,289.38; and that this Council, after considering said report and recommendations and all bids heretofore filed, finds that the bid of Norman Hildebrand is the lowest and best bid, within the amount of funds available.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the bid of Norman Hildebrand for the excavation incidental to the construction of an Auditorium and Convention Hall in the sum of $1,289.38 is hereby accepted, determined and declared to be the lowest and best bid within the amount of funds available; and that a contract for the construction of said work, as heretofore prescribed by the plans, specifications and contract documents, be forwith executed for said excavation.

Section 2. That Robert M. Wells, Mayor, is hereby authorized and directed to execute said contract for and on behalf of the City of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 3rd day of October, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, October [illegible], 1938--4:30 P. M.

The City Council met in regular session Thursday October [illegible], 1938, at 4:30 P. M. with Mayor Wells presiding. Present: Councilmen [illegible], L. Lyons Lee, H. G. Etheridge, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel. [illegible] the regular meeting and recess meeting were read and approved.

Resignation of M. Earl Donnahoe, Substitute Solicitor of the [illegible] Court was read and also motion of Councilman Etheridge, seconded by Councilman Carland, unanimously accepted with regret.

Attorney R. R. Williams spoke in behalf of the work being done by the residents and particularly Mrs. Moore, on Ashland Avenue in obtaining [illegible] of-way necessary for widening and extension to McDowell St. Petitions signed by property owners agreeing to donate land for the widening and extension were presented. Report was made by the City Manager, P. M. Burdette, on the cost of the improvements sought by the Ashland Avenue delegation.

Attorney Sanford Brown filed claim of F. S. Sprouse in the amount of $60.00 for work done on the Band Stand on the Square. This claim was referred to the City Manager and Corporation Counsel.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

[illegible]
City Clerk

Tuesday, October 18, 1938--4:30 P. M.

The City Council met in regular session Tuesday, October 18, 1938, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, Eugene Carland, J. E. Divelbiss, Jr., H. G. Etheridge, L. Lyons Lee, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Mr. Chas. H. Neal, spokesman for a delegation from Beaverdam section, requested the Council to take immediate action to stop speeding in the section of the City known as Grace, and out Merrimon Avenue. Rev. Louis [illegible] and other spoke briefly. This matter was referred to the City Manager.

A delegation from Burton Street composed of the Parent-Teachers Association of Burton Street School requested that bus service be furnished the colored school children going to Ashland Avenue and Stephen-Lee School. This request was referred to the City Manager and Corporation Counsel.

Resolution authorizing the Mayor to execute Lease with the General Outdoor advertising Company was upon motion of Councilman Divelbiss, seconded by Councilman Bryson, unanimously adopted.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE LEASE WITH GENERAL OUTDOOR ADVERTISING COMPANY

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place certain sign boards on a certain lot designated in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: Holmes Bryson
COUNCILMAN

Read, approved and adopted, this 13 day of October, 1938.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Thursday Oct. 20, 1938--4:30 P. M.

The City Council met in regular session Thursday, October 20, 1938 at 4:30 P. M. with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Mr. Reed Kitchen, Attorney, presented a petition signed by residents of North Crescent Street, requesting the installation of a street light. This was referred to the City Manager.

Mr. Sam Pegram, Attorney, filed claim for Norval Davis in the amount of $3,000 for alleged personal injuries. This claim was referred to the City Manager and Corporation Counsel.

Ordinance No. 253, entitled, "An Ordinance Regulating the Sale and Delivery of Coal, Coke and Charcoal within the City limits of the City of Asheville was upon motion of Councilman Bamford, seconded by Councilman Bryson unanimously passed on its first reading with the following vote: Councilman Bryson voted "aye, Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye", and Councilman Wells voted "aye".

Ordinance No. 254, entitled "An Electrical Ordinance of the City pf Asheville, N. C." was upon motion of Councilman Carland, seconded by Councilman Etheridge, unanimously passed on its first reading with the following vote: Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye", and Councilman Wells voted "aye".

Resolution authorizing the Mayor to execute quit-claim [illegible] motion of Councilman Carland, seconded by Councilman [illegible], [illegible] passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 247 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, [illegible] interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MADE DEED TO
6088 (1927) 1242 (1928)	O. V. Himes	105,106 & 107	19	4	C. M. [illegible]

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the owner upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, in the listing of the property for taxes for the period in which title was [illegible] of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

SECONDED BY: H. G. Etheridge
Councilman

Read, approved and adopted this 20 day of October, 1938.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the issuance of tax anticipation notes of the City of Asheville in the sum not exceeding $100,000.00 was upon motion of Councilman Etheridge, seconded by Councilman Divelbiss, unanimously passed.

RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE CITY OF ASHEVILLE IN THE SUM NOT EXCEEDING $100,000.00

WHEREAS, by Section 2932 of the Consolidated Statutes of the State of North Carolina the City of Asheville is authorized and empowered to borrow money for the purpose of meeting appropriations made for the current fiscal year in anticipation of the collection of the taxes and revenues of such fiscal year, and within the amount of such appropiation; and

WHEREAS, it is now necessary that the City of Asheville shall borrow One Hundred Thousand Dollars to meet appropriations made for the current fiscal year, and there now remains due and uncollected more than $150,000.00 of the taxes and revenues of the fiscal year 1938-1939; and

WHEREAS, funds are now available for loans to the City of Asheville in the Revolving Fund under supervision of the Sinking Fund Commission for Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

1. That, subject to approval by the Local Government Commission of North Carolina and in accordance with the provisions of the Municipal Finance Act and the Local Government Act and other statutes applicable in the premises, the City of Asheville forthwith issue negotiable Tax Anticipation notes in the total sum of One Hundred Thousand Dollars; such notes shall be in the denomination of $50,000.00 each and shall be numbered One and Two respectively; that such notes shall mature not later than October 10, 1939; and shall bear interest payable at maturity at a rate not in excess of three percent.

2. That, sibject to approval of the Local Government Commission of North Carolina such notes be disposed of by private negotiations.

3. That the Mayor and City Clerk be jointly authorized to fix the rate of interest within the limitations herein prescribed; and to fix the form of the said notes; and to sign the said notes and affix thereto the corporate seal of the City of Asheville; and to dispose of the said notes in accordance with law.

4. That the said notes shall be approved by the Corporation Counsel for the City of Asheville and his written approval indorsed thereon before issue.

BE IT FURTHER RESOLVED that the notes herein authorized shall constitute a first lien upon the uncollected taxes levied by the City Council of the City of Asheville for the fiscal year 1938-1939 and uncollected at the date of issue of said notes, which uncollected taxes are hereby irrevocably pledged for and appropriated to the payment of said notes.

I move the adoption of the foregoing resolution.

H. G. Etheridge
Councilman

SECONDED BY: J. E. Divelbiss, Jr.
Councilman

Read, approved and adopted, this 20th day of October, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution appropriating amounts necessary to meet claims for payment of interest of refunded obligations and authorizing payment from General Revolving Fund was upon motion of Councilman L. Lyons Lee. seconded by Councilman Carland unanimously passed.

RESOLUTION APPROPRIATING AMOUNTS NECESSARY TO MEET CLAIMS FOR PAYMENT OF INTEREST OF REFUNDED OBLIGATIONS AND AUTHORIZING PAYMENT FROM GENERAL REVOLVING FUND.

WHEREAS, in pursuance of a plan of settlement of the defaulted obligations of the City of Asheville, an Ordinance, No. 237 was duly adopted by the City Council of the City of Asheville on May 21, 1936 providing for the refunding of said obligations; and

WHEREAS, in Article V of said Ordinance there was created a General Revolving Fund to be composed in part of "the proceeds of levies for the fiscal year beginning July 1, 1935, and prior years, for the payment of the principal or interest, or both, of the debt refunded by the new bonds, after providing for the payment of claims for interest upon said debt accrued or payable on or before July 1, 1936"; and

WHEREAS, it appears that in the said General Revolving Fund created pursuant to said Article V there are sums representing the proceeds of levies for the fiscal year beginning July 1, 1935, and prior years, which sums constitute funds available for the purpose hereinafter set forth; and

WHEREAS, in the course of effecting the refunding operations directed by the said Ordinance, certain claims for interest upon the obligations refunded by said Ordinance, have been made and will be made, and payments in settlement thereof have been made and will be made; and in the course of negotiations incident to settlement of such claims expenses have accrued and will accrue, have been paid or will be paid; and

WHEREAS, the City Council are advised that the [illegible] such claims when properly audited, and the payment [illegible] expenses incident to such negotiations and settlement, when [illegible] audited, are properly chargeable to the said Fund [illegible] General Revolving Fund;

NOW, THEREFORE, Be It Resolved by the [illegible] Asheville: That the amount necessary to meet and [illegible] interest accrued prior to July 1, 1936, of the obligations [illegible] refunded in the Ordinance No. 237 adopted May [illegible], 1936, [illegible] Issuance of Bonds for the Purpose of Refunding Outstanding [illegible] meet the necessary and proper expenses incident to the payment and settlement of all such claims, be and it is hereby appropriated for use out of the funds available from the proceeds of taxes levied for fiscal year 1935 and prior years, for the payment of the principal or interest, or both, of the debt refunded by the said Ordinance No. 237; and the officials in charge of such funds available in the General Revolving Fund created pursuant to said Ordinance, and hereby authorized and directed to make payments to such use out of such funds available upon such claims as may be approved by the City Manager and duly audited by the City Accountant; and any such payments heretofore made with the approval of the City Manager and audited by the City Accountant are hereby expressly approved, ratified and confirmed as if made pursuant to this present Ordinance.

I move the adoption of the foregoing resolution.

L. Lyons Lee
Councilman

Seconded by: Eugene Carland
Councilman

Read, approved and adopted this 20 day of October, 1938

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

Corporation Counsel, Philip C. Cocke, Jr., presented the Audit by the Sinking Fund Commission, which was ordered filed in the Accounting Department.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk.

Thursday, October 28, 1938--4:30 P. M.

The City Council met in regular session Thursday, October 28, 1938, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, C. R. Bamford, Eugene Garland, J. E. Divelbiss, Jr., H. G. Etheridge, L. Lyons Lee, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel.

Mr. Morris Myers presented petition requesting that Taylor Avenue be changed to CAMDEN AVENUE. This request was referred to the City Manager.

A resolution approving and adopting the plans, specifications and contract documents for the construction and mechanical installation incidental to the construction of the Asheville Auditorium and Convention Hall, was upon motion of Councilman Etheridge, seconded by Councilman Lee, unanimously passed.

A RESOLUTION APPROVING AND ADOPTING THE PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS FOR THE CONSTRUCTION AND MECHANICAL INSTALLATION INCIDENTAL TO THE CONSTRUCTION OF THE ASHEVILLE AUDITORIUM AND CONVENTION HALL, SAID PLANS DATED OCTOBER 22, 1938, AND AUTHORIZING THE ADVERTISEMENT FOR BIDS.

WHEREAS, detailed plans, specifications and contract documents for the construction and mechanical installation incident to the construction of the Asheville Auditorium and Convention Hall, said plans dated October 22, 1938, have been presented by Lindsey Madison Gudger, AIA; and

WHEREAS, this Council has fully considered said plans, specifications and contract documents, and finds that it is for the best interest of the City of Asheville to construct the Auditorium and Convention Hall as therein provided;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE

Section 1. That the plans, specifications and contract documents referred to in the preamble hereof for the construction and mechanical installation incidental to the construction of an Auditorium and Convention Hall be, and the same are hereby, in all respects, approved and adopted as the official plans, specifications and contract documents to be used in connection with the prosecution of the work in such construction. That for the purpose of identification, there shall be indorsed on one set of such plans, specifications and contract documents by Lindsey Madison Gudger, AIA, the following:

Duly adopted by Resolution of
Council of the City of Asheville
on the 27th day of October, 1938.

R. M. Wells
Mayor

Such set of plans, specifications and contract documents with the indorsement thereon, shall remain on file in his office.

Section 2. That legal notice be given by the publication in a newspaper in Asheville, County of Buncombe, that sealed bids for the construction of an Auditorium and Convention Hall in accordance with said plans, specifications and contract documents, will be received by this Council at the City Hall in Asheville, until eleven o'clock, A.M., on the 14th day of November, 1938. Such notice shall be in the form of an advertisement for bids, filed in the office of the Mayor as a part of the approved plans, specifications and contract documents.

I move the adoption of the foregoing resolution, this 27 day of October, 1938.

H. G. Etheridge
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 27 day of October, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Upon motion of Councilman Bryson, seconded by [illegible], the following resolution was unanimously passed.

RESOLUTION AUTHORIZING LINDSEY MADISON GUDGER, [illegible], TO ADVERTISE FOR BIDS FOR THE CONSTRUCTION AND MECHANICAL INSTALLATION INCIDENTAL TO THE CONSTRUCTION OF THE ASHEVILLE [illegible] AND CONVENTION HALL.

WHEREAS, the City Council of the City of Asheville [illegible] advisable to start construction of the Asheville [illegible] Hall at the earliest possible date; and

WHEREAS, to start said construction it [illegible] to be advertised for the construction and mechanical [illegible] cental thereto;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Lindsey Madison Gudger be and he is hereby authorized and empowered to advertise for bids for the construction and mechanical installation incidental to the construction of the Asheville [illegible] Convention Hall.

I move the adoption of the foregoing resolution.

Holmes Bryson
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 27 day of October, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

[illegible]

Resolution appointing Harold K. Bennett Substitute Solicitor of the City Court of the City of Asheville was upon motion of Councilman [illegible], seconded by Councilman Lee, unanimously adopted.

RESOLUTION APPOINTING SUBSTITUTE SOLICITOR OF THE CITY COURT OF THE CITY OF ASHEVILLE.

WHEREAS, M. Earl Donnahoe, the Substitute Solicitor of the City Court of the City of Asheville, having resigned; and

WHEREAS, it is necessary to appoint a successor to fill out the unexpired term of M. Earl Donnahoe;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Harold K. Bennett be and he is hereby appointed to fill out the unexpired term of M. Earl Donnahoe as Substitute Solicitor of the City Court of the City of Asheville.

I move the adoption of the foregoing resolution.

H. G. Etheridge
Councilman

SECONDED BY: L. Lyons Lee
Councilman

Read, approved and adopted, this 28 day of October, 1938.

R. M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel.

Ordinance No. 253, entitled "An Ordinance Regulating the sale and Delivery of Coal, Coke and Charcoal within the City limits of the City of Asheville," was passed on its second reading with the following vote:
Councilman Bryson voted "aye", Councilman Lee voted "Aye", Councilman Etheridge voted "aye", Councilman Carland voted "aye" and Councilman Wells voted "aye".

Ordinance No. 254, entitled, "ELECTRICAL ORDINANCE OF THE CITY OF ASHEVILLE, N. C." was upon motion of Councilman Carland, seconded by Councilman Etheridge, unanimously passed on its second reading with the following vote:
Councilman Bryson voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye", and Councilman Wells voted "aye".

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday, November 3, 1938--4:30 P. M.

The City Council met in regular session Thursday, November 3, 1938, at 4:30 P. M., with Mayor Wells presiding. Present: Councilmen Holmes Bryson, J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, C. R. Bamford, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

[illegible] BROWN

Rev. Anson Brown requested that four street lights be placed in the vicinity of Rumbough Place, W. Asheville. This was referred to the City Manager.

Resolution authorizing Mayor to execute release to State Highway and Public Works Commission was upon motion of Councilman Divelbiss, seconded by Councilman Lee and unanimously passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE RELEASE TO STATE HIGHWAY AND PUBLIC WORKS COMMISSION

WHEREAS, the Board of Financial Control for Buncombe County acquired title to a number of pieces of property through liquidation of collateral security which belonged to the City of Asheville or the County of Buncombe, or both; and

WHEREAS, by and act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or held by said Board was transferred to the City of Asheville and County of Buncombe as their interest may appear; and

WHEREAS, the records of the City of Asheville, the County of Buncombe and the Board of Financial Control reveal that the County of Buncombe is the owner of a certain piece of property, which property is fully described on page 13 of a map filed in the office of the Register of Deeds for Buncombe County on the 24th day of April, 1936, and on page 1 of a map filed in said office on January 15, 1937, and known as the Lassiter and Stikeleather land, same being a portion of the land to be used for the Blue Ridge Parkway by the State Highway and Public Works Commission; and

WHEREAS, it has been pointed out that the records in the office of the Register of Deeds do not reveal the true ownership of said property and the City of Asheville has been requested to execute a release in order to clear up any question as to the ownership and title; and

WHEREAS, the City of Asheville does not own and claims no interest in the property above mentioned;

NOW, [illegible]
OF ASHEVILLE:

That the Mayor [illegible] the State Highway and Public Works Commission [illegible]

I move the adoption of the foregoing [illegible]

J. L. Divelbiss, Jr.

Seconded by: L. Lyons Lee

Read, approved and adopted this [illegible] day of November, 1938.

Robert M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

An Ordinance regulating the sale and delivery of coal, coke and Charcoal within the City Limits of the City of Asheville, was introduced by Councilman Bamford, seconded by Councilman Bryson, unanimously passed on its third and final reading with the following vote: Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye" and Councilman Wells voted "aye".

ORDINANCE NO. 253.

AN ORDINANCE REGULATING THE SALE AND DELIVERY OF COAL, COKE AND CHARCOAL WITHIN THE CITY LIMITS OF THE CITY OF ASHEVILLE.

Section 1. That Section 1159 of the Ordinances of the City of Asheville as published in book form under the name of Compilation of the City of Asheville be and is hereby repealed.

Section 2. It shall be unlawful to sell or offer for sale or deliver any coal, coke or charcoal in any other manner than by weight within three hours before the delivery of any coal, coke or charcoal, each vehicle shall be separately weighed so as to ascertain the weight. The weighing must be done on scales tested approved and sealed by the Weights and Measures of the City of Asheville.

Section 3. It shall be unlawful for any person, firm or corporation to deliver any coal, coke or charcoal without such delivery being accompanied by a delivery ticket and a duplicate thereof, on each of which shall be plainly printed in substance distinctly expressed in pounds the gross weight of the load of the delivery vehicle and the quantity or quantities of coal, coke or charcoal contained in the vehicle used in such delivery, the name of the purchaser thereof and the name of the dealer from whom purchased. Such ticket shall be surrendered to the Sealer of Weights and Measures upon the request for his inspection and this ticket or a weight slip issued by the weighmaster to retain the original shall be delivered to the said purchaser of the said coke or charcoal or his agent or his representative. The duplicate of the fuel and the other ticket shall be retained by the seller of the fuel. When the buyer carries away a purchase the tare weight and the number of pounds delivered to him must be given and a receipt made.

Section 4. In no case shall any person, firm or corporation issue any delivery ticket unless and until he shall have weighed the load in the manner as to secure the weight as specified in section 2 hereof.

Section 5. It shall be the duty of every person, firm or corporation before delivering any coal, coke or charcoal within the corporate limits of the City of Asheville to register with the Sealer of Weights and Measures, giving in such registration the name and location of the principal office or place of business and the scales upon which coal, coke or other fuel to be sold will be for sale shall be weighed, and the name of the person or persons who will issue weight certificates, and it shall be unlawful for such person, firm or corporation to deliver any coal, coke, or charcoal, or to issue delivery tickets unless such weighing shall have been made on the scales so registered.

Section 6. Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction, be subject to a penalty of $50.00 for each and every such offense, and each load which is delivered or attempted to be delivered and/or each and every delivery ticket which is issued in violation of this ordinance shall constitute a distinct and separate offense.

Section 7. In the event any clause or section of this ordinance should be declared invalid, the remaining clauses or sections thereof shall not be effected thereby.

Section 8. That Ordinance No. 244 of the City of Asheville entitled "An Ordinance Regulating the Sale and Delivery of Coal, Coke and Charcoal within the City Limits of the City of Asheville" be and the same is hereby repealed.

Section 9. That this ordinance shall be in full force and effect fifteen days after its first publication.

I move the adoption of the foregoing ordinance, this 20 day of October, 1938.

C. F. Bamford
COUNCILMAN

SECONDED BY: Holmes Bryson
COUNCILMAN

Read, approved and adopted, this 3 day of November, 1938, to become effective 20 day of November, 1938.

R. M. Wells
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Ordinance No. 254, entitled, "Electrical Ordinance of the City of Asheville, N. C." was upon motion passed on its third and final reading with the following vote: Councilman Bryson voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye", Councilman Bamford voted "aye", Councilman Carland voted "aye", and Councilman Wells voted "aye".

ORDINANCE NO. 254
ELECTRICAL ORDINANCE OF THE CITY OF ASHEVILLE, N. C.

AN ORDINANCE FOR SAFEGUARDING LIFE AND PROPERTY BY REGULATING, AND PROVIDING FOR THE INSPECTION OF, ELECTRIC WIRING, DEVICES, APPLIANCES AND EQUIPMENT: CREATING THE OFFICE OF ELECTRICAL INSPECTOR AND PRESCRIBING HIS AUTHORITIES AND DUTIES: REQUIRING THAT NO ELECTRIC WIRING, DEVICE, APPLIANCE OR QUIPMENT SHALL BE INSTALLED WITHOUT FIRST SECURING A PERMIT THEREFOR: PROVIDING THAT IT SHALL BE UNLAWFUL TO MAKE CONNECTIONS FROM A SOURCE OF SUPPLY TO ANY ELECTRIC WIRING, DEVICE, APPLIANCE OR EQUIPMENT UNLESS THE SAME HAS BEEN APPROVED BY THE ELECTRICAL INSPECTOR: CREATING A BOARD OF ELECTRICAL EXAMINERS; PROVIDING FOR THE LICENSING OF PERSONS, FIRMS AND CORPORATIONS ENGAGING IN THE BUSINESS OF ELECTRICAL C NTRACTING AND FOR THE LICENSING OF ELECTRICIANS, ELEVATOR ERECTORS, AND MOTION PICTURE OPERATORS: PROHIBITING THE SALE AT RETAIL OF CERTAIN ELECTRICAL MATERIALS, DEVICES, APPLIANCES AND EQUIPMENT UNLESS APPROVED FOR RETAIL SALE, INSTALLATION AND USE: PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE.

NATIONAL CODE AND SPECIAL RULES

ALL ELECTRICAL CONSTRUCTION, ALL MATERIAL AND APPLIANCES USED IN CONNECTION WITH THE ELECTRICAL WORK AND THE OPERATION OF ALL ELECTRICAL APPARATUS WITHIN THE CITY, SHALL CONFORM TO SUCH SPECIAL RULES AND REQUIREMENTS AS SET FORTH IN THE CURRENT ISSUE OF THE NATIONAL ELECTRIC CODE FOR THE INSTALLATION OF WIRING AND APPARATUS FOR ELECTRICAL PURPOSES AS THEY ARE NOW ESTABLISHED OR MAY HEREAFTER BE AMENDED, AS PROVIDED IN SECTION 2763 OF THE CONSOLIDATED STATUTES: AND THE SAID RULES AND REGULATIONS ARE HEREBY ADOPTED AND MADE PART OF THIS ORDINANCE.

THE CITY COUNCIL OF THE CITY OF ASHEVILLE ORDAINS AS FOLLOWS:

Section 1. Electrical Inspector--Qualifications and Appointment.

There is hereby created the office of Electrical Inspector. The person chosen to fill the office of Electrical Inspector shall be a competent electrician of good moral character, shall be possessed of such executive ability as is

requisite for the efficient performance of his duties and shall have a thorough knowledge of the standard materials and methods used in the installation of electric wiring, devices, appliances, and equipment; shall be well versed in approved methods of electrical construction for safety to life and property, and the rules and regulations of the National Electric Code.

The Electrical Inspector shall be appointed by the City Manager. Before entering upon the discharge of his duties, he shall file a bond in the sum of One Thousand ($1,000) Dollars, payable to the City of Asheville, for the faithful accounting of all moneys that may come into his possession by virtue of his office, the expense of said bond to be borne by the City, and approved by the Corporation Counsel.

The Electrical Inspector shall also take and subscribe an oath, which, together with the certificate of his appointment, shall be filed with the City Clerk. He shall be removed from office for cause only, after a full hearing by the City Manager. Any violation of the provisions of any section of this ordinance by the Electrical Inspector shall be sufficient cause for his removal from office, but he may be removed for other just cause.

SECTION 2. Duties of Electrical Inspector.

It shall be the duty of the Electrical Inspector to see that the provisions of this ordinance are enforced. He shall upon application grant permits for the installation or alteration of electric wiring, devices, appliances and equipment provided the applicant has complied with all provisions of this ordinance, and shall make inspections of all new electrical installations and reinspections of all electrical installations, all as provided in this ordinance. He shall keep complete records of all permits issued, inspections and reinspections made and other official work performed in accordance with the provisions of this ordinance. He shall also keep on file a list of inspected electrical appliances issued by Underwriters' Laboratories, Inc., which list shall be accessible for public reference during regular office hours. He shall hold membership in the International Association of Electrical Inspectors and shall serve on any electrical committee of this association to which he may be appointed. All expenses in connection with such activities shall be charged against the receipts of the Electrical Inspector's office.

It shall be unlawful for the Electrical Inspector or any of his assistants to engage in the business of the sale, installation or maintenance of electric wiring, devices, appliances or equipment, either directly or indirectly, and they shall have no financial interest in any concern engaged in such business in the City of Asheville at any time while holding such office as herein provided for.

The Electrical Inspector shall decide all questions pertaining to the installation of electric wiring, devices and equipment not otherwise provided for in this ordinance.

SECTION 3. AUTHORITY GRANTED TO ELECTRICAL INSPECTOR.

The Electrical Inspector shall have the right in the discharge of his cuties to enter any building, manhole, or subway, or to climb any pole, for the purpose of examining and testing the electrical installations therein or thereon, and for that purpose he shall be given prompt access to all buildings, public or private, and all manholes, subways, or poles, on application to the individual or company owning or in charge of same. He shall have the authority to cut or disconnect any wire in cases of emergency where necessary for safety to life or property, or where such wire may interfere with the work of the fire department. The Electrical Inspector is hereby empowered to disconnect or order the discontinuance of electrical service to any electric wiring, devices, appliances or equipment found to be dangerous to life or propertu because they are defective or defectively installed or otherwise not in conformity with the provisions of this ordinance until such wiring, devices, appliances and equipment and their installation have been made safe as directed by him. The Electrical Inspector is hereby authorized to delegate any of his rights or duties to any of his assistants.

SECTION 4. BOARD OF ELECTRICAL EXAMINERS.

There is hereby created a Board of Electrical Examiners which shall consist of five members appointed by the City Council, as follows: One representative of an electrical contractor, one journeyman, and on representative of a utility. The Superintendent of Electrical Affairs and the Electrical Inspector will act as ex officio member of this Board.

SECTION 5. BOARD OF EXAMINERS OF MOTION PICTURE OPERATORS.

There is also created a Board of Examiners of motion picture operators, which shall consist of two motion picture operators appointed by the City Council. The Electrical Inspector and the Board of Electrical Examiners will act as ex officio members of this Board.

SECTION 6. APPOINTMENT OF BOARDS.

Appointment shall be made by the City Council at the beginning of the fiscal year for terms of two years, but any member may, for cause, be removed from office by the City Council at any time.

SECTION 7. DUTIES OF THE BOARD OF EXAMINERS.

It shall be the duty of the Boards to hold a meeting at least once during each month for the examination of applicants for licenses, or their representatives, and for the transaction of other business, provided there are pending applications for licenses; to examine applicants for license, or their representatives as to

their knowledge of the rules and regulations for the operation of equipment and the installation of electric wiring, devices, appliances and equipment as set forth in the statutes of this State or as issued under the authority of the statutes of this State, in the ordinances of the City of Asheville and in the National Electrical Code, and to determine the general qualifications and fitness of each applicant for executing, or performing the class of work covered by the license applied for.

Examinations shall be written and a complete record of every examination given shall be kept on file until three years after the date of the examination. The Board shall grant licenses as applied for and shall issue certificates therefor to those applicants who shall show the proper qualifications, provided that in every case the license shall not be granted until after the prescribed fee has been paid. It shall also be the duty of the Board to make recommendations to the City Council to revoke any license for good and sufficient cause as prescribed in Section 15 of this ordinance.

SECTION 8. ELECTRICAL CONTRACTORS, JOURNEYMAN ELECTRICIANS AND ELEVATOR ERECTORS AND THEIR QUALIFICATIONS.

That every person desiring to operate as electrical contractor, journeyman electrician or elevator erector within the City of Asheville shall make written application to the Electrical Inspector's office for an examination as to his efficiency and capacity to do such work, and if upon examination applicant shows himself competent and qualified to do sich electrical work in a manner required, the Electrical Inspector shall deliver to such applicant a certificate to that effect. No license shall be issued to any person under wighteen (18) years of age.

Examination shall be given as prescribed in Section 7 of this ordinance.

SECTION 9. MOTION PICTURE OPERATORS AND THEIR QUALIFICATIONS.

Any person desiring to operate motion picture projectors of professional type shall make application to the Board of Examiners for an examination as to his proficiency and capacity to operate such equipment, and it shall be the duty of the Board to cause such examination to be made. If the applicant demonstrates by such examination that he is competent to operate the equipment referred to and is familiar with the requirements for the protection of life and property against injury or damage which may result from the use of such equipment, then the Electrical Inspector shall issue to the applicant a certificate of proficiency. No license shall be issued to any person under wighteen (18) years of age.

Examinations shall be given as prescribed in Section 7 of this ordinance.

SECTION. 10. LICENSE REQUIRED.

Except as otherwise provided in Section 11 and paragraphs 1,2,3 and 4 of Section 18 of this ordinance no person, firm or corporation shall in any manner undertake to execute or perform any work of installing, maintaining, altering or repairing any electrical wiring, devices, or equipment or to operate any motion picture projector of the professional type unless such person, firm or corporation is the holder of a Class 1. Class 2, Class 3 or Class 4 license as prescribed in Section 12, nor shall any person, firm or corporation execute or perform any such work otherwise than as specifically permitted under the class of license held by such person, firm or corporation; provided that an unlicensed person shall be permitted to work as an apprentice or helper under the direct personal supervision of journeyman electricians, elevator erector or motion picture operator and further provided that no license shall be required in order to perform or execute any of the classes of work described in the following subparagraphs 1,2, and 3.

1. Any work involved in making tests or repairs to devices, appliances or apparatus but not including any connection for permanent replacements.

2. Any work involved in the manufacture, test or repair of electric materials, devices, appliances or apparatus, but not including any wiring other than the required for testing purposes.

3. The assembly, erection, connection and repair of electric apparatus and equipment by the manufacturer of such apparatus and equipment, but not including any electric wiring other than that involved in making electrical connections on the apparatus or equipment itself or between two or more parts of such apparatus or equipment.

SECTION 11. ELECTRICIANS EMPLOYED BY ITINERANT COMPANIES.

Electricians not residents of the City of Asheville, but employed by itinerant companies operating stage shows, circuses and similar forms of entertainment may install electrical equipment for the use of such companies, subject to the approval, supervision and instruction of the Electrical Inspector.

SECTION 12. CLASSES OF LICENSE

Four classes of license shall be issued by the Board of Electrical Examiners, which shall be designated respectively as Class 1, Electrical Contractor's License, Class 2, Journeyman Electrician's License Class 3, Elevator Erector's License, and Class 4, Motion Picture Operator's License.

A Class 1 Electrical Contractor's License shall entitle the holder thereof to engage in the business of, and to secure permits for, the installation, alteration or repair of any electric wiring, devices or equipment.

A Class 2, Journeyman Electrician's License shall entitle the holder thereof to personally perform the work of installing maintaining altering or repairing wirinf, devices or equipment.

A Class 3, Elevator Erector's License shall entitle the holder thereof to personally perform the work of installing, maintaining, altering or repairing devices and equipment, but only as an employee of a holder of a license to do such work by the State of North Carolina.

A Class 4, Motion Picture Operator's License shall entitle the holder thereof of operate motion picture machines, projectors and other apparatus used in exhibiting pictures or in connection with stage shows and similar entertainments.

SECTION 13. APPLICATIONS FOR LICENSE.

Applications for license shall be made to the Board of Electrical Examiners, stating the class of license applied for and, in the case of an application for a Class 1 license, the place of business of the applicant and the name of the representative of the applicant who will act as the supervisot of the work to the done under the license.

SECTION 14. HOLDER OF LICENSE AND SUPERVISOR.

Each certificate for a Class 1 license issued in accordance with the provisions of this ordinance shall specify the name of the person, firm or corporation licensed, who shall be known as the holder of the license, and shall specify the name of the person who has passed the examination, and such person shall be designated in the certificate as the supervisor of all work to be done under the license. The person designated as the supervisor may be a person in the employ of the holder of the license; or, if the holder is a person, may be the holder himself; or, if the holder is a firm, may be a member of the firm; or, if the holder is a corporation, may be an officer of the corporation. The same person shall not be designated as the supervisor in two or more licenses issued to different persons, firms or corporations. In the event that the business association with, or employment of the supervisor by the holder of the license shall terminate, said license shall become null and void thirty (30) days after such termination.

SECTION 15. REVOCATION OF LICENSES.

No license and certificate issued in accordance with the provisions of this ordinance shall be assignable or transferable. Any such license may after hearing be suspended or revoked by the City Council upon recommendation by the Examining Board, if the person, firm or corporation holding such license willfully, or by reason of incompetence, repeatedly violates any statute of the State of North Carolina or any ordinance or rule or regulation of the City of Asheville relating to the installation, maintenance, alteration or repair of electric wiring, devices and equipment.

SECTION 16. DISPLAY OF CERTIFICATES.

Every holder of a Class 1 license shall keep his, their or its certificate of license displayed in a conspicuous place in his, their or its principal place of business.

Certificates for Class 2, 3 or 4 licenses shall be issued in card form and every holder of such a license shall carry the certificate upon his person or keep displayed in a conspicuous place in his place of employment while performing any work under the provisio ns of this ordinance and shall exhibit such certificate upon receipt of the Electrical Inspector or any police officer of the City of Asheville.

SECTION 17. FEES FOR EXAMINATIONS AND LICENSE RENEWALS.

Before a license is granted to any applicant and before any expiring license is renewed, the applicant shall pay to the City of Asheville a fee in such amount as is herein specified for the class of license to be granted or renewed, as follows:

EXAMINATION FEES

For a Class 1, Electrical Contractor's License	$25.00
For a Class 2, Journeyman Electrician's License	5.00
For a Class 3, Elevator Erector's License	5.00
For a Class 4, Motion Picture Operator's License	5.00
Renewals for Class 2,3 and 4 Licenses	1.00

If an applicant for a license fails in his examination the fee paid by him shall not be returned to him, but after a period of ninety days shall have elapsed he shall be ebtitled to one re-examination after paying one-half the regular fee.

Each license shall expire on June 30th following the date of its issue, and shall be renewed by the Board of Examiners upon application of the holder of the license, payment of the required fee, at any time within thirty (30) days before the date of such expiration.

SECTION 18. PERMITS

No wiring, devices, appliances or equipment for the transmission, distribution or utilization of electrical energy for any prupose shall be installed within or on any building or premises nor shall any alteration or addition be made in any such existing wiring, devices, appliances or equipment without first securing a permit therefor from the Inspection Department, except as stated in the following paragraphs 1,2,3 and 4.

SECTION 19. APPLICATION FOR PERMIT.

A. Application for such permit, describing the work to be done, shall be made to the Electrical Inspector Department by the person, firm or corporation installing the work and permit when issued shall be to such applicant. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this ordinance. If it shall be found that the installation as described will in general conform with the requirements of this ordinance, a permit for such installation shall be issued; provided, however, that the issuance of the permit shall not be taken as permission to violate any of the requirements of this ordinance.

B. The applicant shall, before starting any installation make a record of same in duplicate, one to be known as the "Contractor's Copy" and one as the "Workman's Copy". The person working in the capacity of journeyman electrician and in charge of any job, while performing any work or supervising any work pertaining to the aforesaid installation, alterations, or additions, shall have in his possession and on the premises where work is being performed the "Workman's Copy" of the permit issued therefor.

Forms for this purpose will be furnished by the Inspection Department and shall be accessible to the Inspector at all times and shall be surrendered to him upon request. When book is completed, it shall be delivered to and remain the property of the Inspection Department.

C. No permit for the installation or alteration of any electric wiring, devices, appliances, or equipment shall be issued to any person, firm or corporation unless such person, firm or corporation to secure permits for and to execute the work described in the application for the permit, except that upon application and payment of the fees therefor, permits shall be issued to unlicensed persons, firms and corporations for work which the ordinances of the City of Asheville specifically permit them to execute without a license.

1. No permit shall be required for minor repaur work, for the replacement of lamps, fuses or for the connection of portable devices to suitable receptacles which have been permanently installed.

2. No permit shall be required to make tests or repairs to electrical devices, appliances or apparatus provided the repairs are made by a general repairman or corporation who is a holder of a license to do such work by the State of North Carolina.

3. No permit shall be required for the installation of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence, where such wiring, devices, appliances or equipment operate at a voltage not exceeding fifty (50) between conductors and do not include generating or transforming equipment capable of supplying more than fifty (50) watts of energy.

4. No permit shall be required for the installation, maintenance or alteration of electric wiring, devices, appliances or equipment to be installed by or for an electric public service corporation on privately owned premises for the use of such a corporation in the generation, transmission, distribution or metering of electrical energy or for the use of such a corporation in the operation of signals or the transmission of intelligence.

SECTION 20. Inspection and Certificates.

Upon the completion of the work which has been authorized by issuance of any permit, it shall be the duty of the person, firm or corporation installing the same to notify the Electrical Inspector, who shall inspect the installation as soon thereafter as practicable; and, if it is found to be fully in compliance with the provisions of this ordinance and when requested, he shall issue to such person, firm or corporation a final certificate of approval, with duplicate copy for delivery to the owner, authorizing connection to the source of supply, the turning on of the current and the use of the installation, and shall send written notice of such authorization to the public service corporation furnishing the electric service. When a certificate of approval is issued authorizing the connection and use of temporary work, such certificate shall be issued to expire at a time to be stated therein and shall be revocable by the Electrical Inspector for cause. A preliminary certificate of approval may be issued authorizing the connection and use of certain specified portions of an incompleted installation; such certificate shall be revocable at the discretion of the Electrical Inspector.

If upon inspection the installation is found not to be fully in compliance with this ordinance, the Electrical Inspector shall at once notify the person, firm or corporation installing the wiring, either verbally or in writing, stating the defects which have been found to exist. Any person, firm or corporation failing to correct such defects, or take an appeal to the Board of Examiners within forty-eight (48) hours after having been duly notified by the Electrical Inspector, shall be subject to prosecution.

When any part of a wiring installation is to be hidden from view by the permanent placement of parts of the building, the person, firm or corporation installing the wiring shall notify the Electrical Inspector and such parts of

the wiring installation shall not be concealed until they have been inspected and approved by the Electrical Inspector or until twenty-four (24) hours, exclusive of Saturdays, Sundays and legal holidays, shall have lapsed after the time of such notification, providing that on large installations, where the concealment of parts of the wiring proceeds continuously, the person, firm or corporation installing the wiring shall give the Electrical Inspector due notice and inspections shall be made periodically during the progress of the work.

No application for inspection will be considered unless a proper building number is given. Applications for inspections filed in the Inspector's office before 9 A.M. of each day shall be given first attention by the Inspector. No roughing-in-work will be considered complete until all joints are properly made, soldered and taped, nor until all service panels, control switches, circuit cabinets and receptacles, together with their trims and covers, are properly placed and the grounding connection has been made.

SECTION 21. Reinspection.

The Electrical Inspector shall make periodically a thorough reinspection of the installation of all electrical wiring, devices, appliances and equipment now installed or that may hereafter be installed within the City of Asheville and within the scope of this ordinance, and when the installation of any such wiring, devices, appliances or equipment is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be notified in writing and shall make the necessary repairs or changes required to place such wiring, device, appliances and equipment in safe condition and have such work completed within fifteen (15) days or any longer period specified by the Electrical Inspector in said notice. Reinspection shall be made at least once in every two years of all electric wiring, devices, appliances and equipment in all institutions and establishments carrying the public, and when the electrical installation in any such building is found to be in accord with the provisions of this ordinance, the Electrical Inspector shall issue to the owner or occupant thereof a Certificate of Approval of the Installation and a fee shall be charged for such reinspection or certificate. Such certificate shall be kept posted in a conspicuous place in or upon such premises.

SECTION 22. Connection to Installations.

It shall be unlawful for any person, firm or corporation to make connection from a source of electrical energy to any electric wiring, devices, appliances or equipment for the installation of which a permit is required until a certificate of approval has been issued by the Electrical Inspector, authorizing such connection and the use of such wiring, devices, appliances or equipment, or to any electric wiring, devices, appliances, or equipment that has been disconnected or ordered to be disconnected by the Electrical Inspector or the use of which has been ordered by the Electrical Inspector to be discontinued until a certificate of approval has been issued by him authorizing the reconnection and use of such wiring, devices, appliances or equipment.

SECTION 23. Installation Standards and Approved Materials.

All installations shall be in strict conformity with the provisions of this ordinance and no electrical materials, devices, appliances or equipment shall be used or installed in the City of Asheville, unless they are in conformity with the provisions of this ordinance, the statutes of the State of North Carolina, the rules and regulations issued under authority of the State Statutes, and unless they are in conformity with approved methods of construction for safety to life and property.

SECTION 24. Markers of Cables and Wires.

All cables and wires shall have the maker's name, type, size and voltage stamped on the cables or wires, along with other markings as may be necessary to readily identify them in the field.

SECTION 25. Types of Wiring Approved.

The following types of wiring are approved for use:

a- Rigid and flexible metal conduit
b- Electrical metallic tubing
c- Approved raceway systems
d- Armored cable
e- Non-metallic sheathed cable
f- Service entrance cable

Open wiring on insulators is approved for temporary work only: special permission may be granted, however, where conditions warrant.

SECTION 26. Service

All service conductors installed or altered except on old buildings outside of fire districts shall be incased in rigid metal conduits. All service entrance conductors installed or altered shall, where practical terminate within 12 inches of connections to the main service drop. Taps or splices in service entrance conductors, where multiple service equipment is permitted, shall be made with approved solderless and insulated connectors on all conductors of No. 1 B & S. Gage or larger. Where the meter is installed at the location of the service equipment, an approved meter box shall be installed or the box containing the service equipment shall be provided with a meter trim designed to receive standardized meters. No lighting service shall be permitted on any premises from an ungrounded 220 Volt single or poloyphase power circuit.

(Fine Print Note) It is highly recommended that all service conductors be installed in rigid iron conduit.

SECTION 27. Fire Districts.

All wiring within the fire districts shall be incased in approved rigid conduits or electrical metallic tubing except on finished structures wherein approved metal raceways may be used. The authority enforcing this ordinance may make exceptions of special appliances where suitable precautionary means are followed. This Section does not apply to low voltage control or signal circuits except where failure of such circuits would create a hazard.

SECTION 28. Metal Conduits

All metal conduit installed underground or where exposed to the weather shall be protected from corrosion by a coating of zinz or equal.

SECTION 29. Branch Circuit Requirements for Commercial Service Establishment.

No store building, office building or service establishment which may be used for sales purposes shall be wired so as to place not more than four (4) ceiling outlets on any branch fuse, nor shall any outlets otherwise located be connected to any such circuit, except in show windows, show cases, stairways, corridors, toilets, and storage spaces; wherein eight (8) outlets may be on a branch fuse, provided the demand is not greater than ten (10) amperes or, by special permission from the Inspection Department.

SECTION 30. Branch Circuit Requirements for Beauty Parlor Circuits.

All wiring in connection with beauty parlor appliance circuits shall be wired so as to place not more than two single receptacle outlets on any one branch circuit. The circuit conductors shall not be less than #12 B & S. Gage.

SECTION 31. WIRE SIZES.

All circuit wires other than in single family dwellings shall be #12 B. & S. Gage or larger.

SECTION 32. OVERCURRENT PROTECTION.

1. New Installations.

All plug fuses designed for use in Edison base cutouts or switches shall be of the non-tamperable type and shall bear the Underwriters' label of approval. They shall be so designed that they can only be tampered with difficulty and shall have their holding means electrically insulated.

2. Existing Installations.

Where it is evident that 15 ampere branch circuits and feeders and circuits of 16 to 30 amperes are not properly maintained with approved fuses of proper sizes to protect the circuits or feeders, non-tamperable fuses of proper capacity shall be required.

3. Where motor driven electrical devices are connected to existing 15 ampere circuits, non-tamperable fuses of the proper capacity to protect that circuit shall be required.

When separate circuits are installed to supply current to such electrically driven devices, non-tamperable fuses of the proper capacity to protect the circuit shall be required.

SECTION 33. METAL CONSTRUCTION.

All wiring including boxes, cabinets and fittings used in connection with metal, or metal lath, shall be of the metallic type, except non-metallic materials may be used, provided all boxes are of the non-combustible, non-conductive type.

SECTION 34. RANGE DISCONNECT.

All new electric range installations must be supplied with a heavy duty attachment device capable of interrupting the service, and when possible located within reach of the equipment.

SECTION 35. Refrigeration Connection.

All wiring in connection with electrical refrigeration, except the larger commercial type which are permanently wired for, shall be connected to circuit supply wires by means of approved receptacles, located not more than five (5) feet from the refrigerator.

SECTION 36. OUTLET BOXES.

All outlet boxes used in concealed wiring on new construction at lighting outlets shall be not less than 4" in diameter or 4" square and shall be provided with plaster ring covers, except no covers will be required on outlet boxes as is prescribed in the latter part of Section 32 of this ordinance which pertains particularly to non-metallic boxes.

SECTION 37. GAS PUMP CONNECTIONS.

Each gas pump shall be supplied through an individual [illegible] which shall terminate within the inclosure, except in cases where it is [illegible] impracticable. One inch will be the minimum size conduit [illegible] purpose.

SECTION 38. MARKING AT METER OUTLETS.

Where two or more meters or switches are grouped at one location, each meter outlet or switch shall be permanently marked to [illegible] of the building served and the marking shall be so placed that it will [illegible] covered by the meter when installed.

SECTION 39. UNSOLDERED JOINTS.

No person shall tape or otherwise conceal an unsoldered joint on any electric light, heat or power circuit within any building, except joints made by means of an approved type of solderless connector.

SECTION 40. OVER FUSING UNLAWFUL.

It shall be unlawful for any person, firm or corporation to bridge or to increase the size of any fuse above rated capacity of the wire to be protected, ing, in or on any building or premises in the City of Asheville.

SECTION 41. CLEARANCE OF WIRES.

Where wiring for light or power have been installed as knob or tube, or cleat work, no person shall place any metal pipe or other metal more than three (3) inches to any wire of such a wiring system, nor shall any person place any material nearer than one (1) inch to any wire of such a wiring system, unless wire is insulated in such manner as meets the approval of the Electrical Inspector.

SECTION 42. POLES, TOWERS, AND WIRES.

Poles, towers, and wires shall be located in the streets, alleys and public places of the City in such manner as to cause the least obstruction to public travel and private use of property consistant with safety to life and property. The Electrical Inspector shall have the authority to compel the removal of unsafe poles and towers, or the re-location of installations that do not conform to the intent of this ordinance. Five days shall be sufficient time for compliance with this Section.

All line wires installed or altered in the fire districts shall be grouped as much as possible, and all service drops shall be distributed from the nearest practicable line support to the point where they enter the building.

SECTION 43. Definitions.

OUTLETS. For the purpose of the fee schedule "outlets" shall mean all outlets including completed control switches and completed flush receptacles. and all motors of less than one-fourth (¼) horse power.

SOCKETS. For the purpose of the fee schedule "sockets" shall mean all lamp sockets, or screw receptacles.

MOTORS. For the purpose of the fee schedule "motors" shall mean all motors of one-fourth (¼) horse power, or over.

OTHER ELECTRICAL EQUIPMENT AND DEVICES. For the purpose of the fee schedule "other electrical equipment and devices", shall mean meter services, sign, ranges, water heaters, refrigerators, x-ray machines, furnace connections, gas pumps, oil filled transformers, motion picture machines, rectifiers, vulcanizers, toasters, waffle irons and any and all other machines and devices.

EXTRA ELECTRICAL INSPECTIONS. Shall mean additional inspections made by the Electrical Inspector or his assistants, made necessary through the failure of any electrical contractor or journeyman electrician in charge of the work to properly specify the location of the work, or to install wiring or apparatus in proper manner, or to otherwise create conditions making such additional inspection necessary.

SECTION 44. Fee Schedule.

A	1 to 3 outlets	$ .50
	4 to 8 "	1.00
	9 to 14 "	1.50
	15 to 22 "	2.00
	23 to 30 "	2.50
	31 to 40 "	3.00
	41 to 50 "	3.50
	51 to 60 "	4.00
	61 to 70 "	4.50
	71 to 80 "	5.00
	81 to 90 "	5.50
	91 to 100 "	6.00
	For each additional 25	1.00

B	Fixture Sockets	
	1 to 10,	
	11 to 100, each	.50
	For over 100, each	.05
		.02½
C	Motors	
	¼ H.P. and less than 1	
	1 H. P. and less than 5	.50
	5 H. P. and less than 7	1.00
	7 H. P. and less than 10	1.50
	10 H. P. and less than 20	2.00
	20 H. P. and less than 50	2.50
	50 H. P. and less than 75	3.00
	75 H. P. and less than 100	3.50
	For each additional 100 H. P.	4.00
		2.00
D	Miscellaneous	
	Sign with single face, per letter	.25
	Sign with double face, per letter	.12½
	Ranges	1.00
	Range connect	.50
	Water heater	1.00
	Commercial refrigerator	1.00
	Furnace connections	1.00
	Transformers, oil filled	1.00
	Gas pumps	.50
	Motion picture machines	1.00
	X-ray machines	3.00
	Meter service	1.00
	Rectifiers	1.00
	Vulcanizers, toasters, waffle irons and any and all other machines and devices, rated at 1360 watts or over, each	1.00
E	Extra Electrical Inspections	
	Each extra electrical inspection	1.00

SECTION 45. Rights and Appeal

Any person may appeal to the City Council from the decisions made by the Examining Boards, or the Electrical Inspector, provided that notice of appeal is given within forty-eight (48) hours.

SECTION 46. Liability for Damages

This ordinance shall not be construed to relieve from or lessen the respectibility or liability of any party owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for damages to person or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection authorized herein, the certificats of approval issued as herein provided or the license and certificate issued as herein provided.

SECTION 47. Penalty

Any person, firm or corporation who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Ten ($10.00) Dollars nor more than Fifty ($50.00) Dollars for each offense, together with the costs of prosecution, and in default of payment thereof by imprisonment for not less than ten days nor more than thirty days, and if such person, firm or corporation is the holder of a license of any class provided for in this ordinance, such conviction shall have the effect of suspending said license until it shall have been reinstated by the Board of Electrical Examiners.

SECTION 48. Validity

If any Section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Asheville hereby declares that it would have passed this ordinance and each Section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more Sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 49. Repeal of Conflicting Ordinances

All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed.

SECTION 50. Date to Take Effect.

This ordinance shall take effect 15 days after its passage and publication. (Nov. 28, 1938)

I move the adoption of the foregoing ordinance, this the 20th day of October, 1938.

Eugene Carland
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted by the Council on first reading 20th day of October, 1938 with all members of the Council voting "aye"; read, approved and adopted by the Council on second reading 28th day of October, 1938 with all members of the Council present voting "aye"; and upon its third reading approved and adopted on the 3rd day of November, 1938 with all members of the Council present voting "aye".

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Published Nov. 12, 1938.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Thursday, November 10, 1938--4:30 P. M.

The City Council met in regular session with Mayor Wells presiding, Thursday, November 10, 1938. Present: Councilmen C. B. Bamford, Eugene Carland, H. G. Etheridge, L. Lyons Lee, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

[illegible]

Mr. Kitchen, representing property owners on Eagle Street and Market Streets asked the Council for proper drainage connections. This was referred to the City Manager.

[illegible]

Request for a street light between St. Dunstans Road and Caledonia Road, which is claimed to be approximately 900 ft., was received by the Council, and referred to the City Manager.

[illegible]

Mrs. C. G. Wilson, of 3 Manilla Street, requested sanitary conveniences for Manilla Street. This request was referred to the City Manager.

A resolution extending the date of completion for the excavation work incidental to the construction of the Asheville-Convention Hall under contract with Norman Hildebrand was upon motion of Councilman Carland, seconded by Councilman Etheridge, unanimously passed.

A RESOLUTION EXTENDING THE DATE OF COMPLETION FOR THE EXCAVATION WORK INCIDENTAL TO THE CONSTRUCTION OF THE ASHEVILLE AUDITORIUM-CONVENTION HALL UNDER CONTRACT WITH NORMAN HILDEBRAND

WHEREAS, the City Council of the City of Asheville is advised that it is the recommendation of the Architect, Lindsey Madison Gudger, that it is to the best interest of the Asheville Auditorium-Convention Hall to temporarily suspend work upon the excavation; and

WHEREAS, this Council has fully considered this recommendation and finds it is for the best interest of the City of Asheville to suspend temporarily such construction;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Contractor for the excavation work, Norman S. Hildebrand, be instructed to suspend work until further notified by the Architect, and that the date of completion for this portion of the work be extended thirty (30) days, and that the Architect be instructed to notify the contractor and the Public Works Administration of this action.

I move the adoption of the foregoing resolution, this 10 day of November, 1938.

Eugene Carland
COUNCILMAN

SECONDED BY: H. C. Etheridge
COUNCILMAN

Read, approved and adopted, this 10 day of November, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution extending the Life of a lease entered into by and between the City of Asheville and the Carolina Tobacco Corporation was upon motion of Councilman Etheridge, seconded by Councilman Carland, unanimously adopted.

RESOLUTION EXTENDING THE LIFE OF A LEASE ENTERED INTO BY AND BETWEEN THE CITY OF ASHEVILLE AND THE CAROLINA TOBACCO CORPORATION.

WHEREAS, on the 8th day of September, 1930 a lease was entered into by and between the City of Asheville and the Carolina Tobacco Corporation, said lease being recorded in the office of the City Clerk of the City of Asheville and speaks for itself, and the life of said lease being for a period of fifteen years; and

WHEREAS, on the 12th day of March, 1936 due to certain circumstances set out in the preamble of a resolution passed by the City Council on said date a new lease was entered into for nine years, making the life of said lease expire on September 8, 1945; and

WHEREAS, attention has been called to the City Council that certain repairs are to be made to the tobacco warehouse located on Valley Street and owned by the City of Asheville and leased by the Carolina Tobacco Corporation, and certain moneys are to be expended for the improvement of same; and

WHEREAS, the City Council deem it for the best interests of the citizens of this community to keep alive said lease over a period of years for the purpose set out in said lease; and

WHEREAS, the City Council having been asked to extend said lease for a period of fifteen more years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the life of said lease entered into by resolution on the 12th day of March, 1936 be and the same is hereby extended fifteen years from the expiration of the lease above referred to, making the termination of said lease

November 10, 1960.

I move the adoption of the foregoing resolution.

H. C. Etheridge
COUNCILMAN

SECONDED BY: Eugene Carland
COUNCILMAN

Read, approved and adopted, this 10 day of November, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Petition was received by the City Council requesting the re-opening of that section of Haywood Road known as Old Haywood Road from its intersection with the new Haywood Road to the Southern Railway Tracks. This was referred to the City Manager.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn ...
City Clerk.

Thursday, November 17, 1938--4:30 P. M.

The City Council met in regular session Thursday, November 17, 1938, with Mayor Wells presiding. Present: Councilmen Holmes Bryson, C. B. Bamford, Eugene Carland, J. E. Divelbiss, Jr., H. G. Etheridge, L. Lyons Lee, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

WILLIAM M.
SITTING AS COMMISSIONER

Resolution appointing William M. Redwood as Commissioner number two of the Sinking Fund Commission for Buncombe County, was upon motion of Councilman Lee, seconded by Councilman Etheridge, unanimously adopted.

RESOLUTION APPOINTING WILLIAM M. REDWOOD AS COMMISSIONER NUMBER TWO OF THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY.

WHEREAS, Chapter 4 of the Public-Local and Private Laws of 1937 sets up a Sinking Fund Commission for Buncombe County and certain bodies politic and municipal corporations therein, and defines the duties and powers of said Sinking Fund Commission; and

WHEREAS, Section 2 of said chapter mentioned above names the twems of the original members of said Sinking Fund Commission; and

WHEREAS, Commissioner Number Two is William M. Redwood of the City of Asheville; and

WHEREAS, Commissioner Number Two shall be appointed by the governing body of the City of Asheville not less than thirty nor more than sixty days from the date of the expiration of his term of office; and

WHEREAS, the expiration of the term of Commissioner Number Two being on the 1st day of January, 1939; and

WHEREAS, Section 3 of said chapter places in the governing body of the City of Asheville the power to appoint Commissioners Numbers Two and Four when their terms of office expire for a period of five years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That William M. Redwood of the City of Asheville be and he is hereby appointed as Commissioner Number Two of the Sinking Fund Commission for Buncombe County for a period of five years from the date of the expiration of said office, as set out in Chapter 4 of the Public-Local and Private Laws of 1937.

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 17th day of November, 1938.

R. M. Wells
MAYOR

Glenn Morris
CITY CLERK.

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution amending resolution extending the Life of a lease entered into by and between the City of Asheville and the Carolina Tobacco Corporation was upon motion of Councilman Etheridge, seconded by Councilman Bryson, unanimously passed as follows:

RESOLUTION EXTENDING THE LIFE OF A LEASE ENTERED INTO BY AND BETWEEN THE CITY OF ASHEVILLE AND THE CAROLINA TOBACCO CORPORATION.

WHEREAS, on the 8th day of September, 1930 a lease was entered into by and between the City of Asheville and the Carolina Tobacco Corporation, said lease being recorded in the office of the City Clerk of the City of Asheville and speaks for itself, and the life of said lease being for a period of fifteen years; and

WHEREAS, on the 12th day of March, 1936 due to certain circumstances set out in the preamble of a resolution passed by the City Council on said date a new lease was entered into for nine years, making the life of said lease expire on September 8, 1945; and

WHEREAS, attention has been called to the City Council that certain repairs are to be made to the tobacco warehouse erected by the Carolina Tobacco Corporation on Valley Street upon land owned by the City of Asheville and leased by the Carolina Tobacco Corporation, and certain moneys are to be expended for the improvement of same; and

WHEREAS, the City Council deems it for the best interests of the citizens of this community to keep alive said lease over a period of years for the purpose set out in said lease; and

WHEREAS, the City Council having been asked to extend said lease for a period of fifteen more years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the life of said lease entered into by resolution on the 12th day of March, 1936 be and the same is hereby extended fifteen years from the expiration of the lease above referred to, making the termination of said lease November 10, 1960.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: Holmes Bryson
COUNCILMAN

Read, approved and adopted this 17th day of November, 1938.

R. M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Upon motion of Councilman Carland, seconded by Councilman Etheridge, the meeting was recessed until Monday at 11 A. M. when bids on the construction of the New Auditorium will be opened.

R. M. Wells
Mayor.

City Clerk

Monday, November 21, 1938--11 A. M.

The City Council met in recess session Monday, November 21, 1938, at 11 A. M. to receive bids on the construction of the Auditorium-Convention Hall, with Mayor Wells presiding. Present: Councilmen J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, C. R. Bamford, Robert M. Wells, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr.

Mr. Lindsey Gudger, Architect, read sealed bids on construction of the Auditorium-Convention Hall.

The following resolution ordering filing of bids was upon motion of Councilman Divelbiss, seconded by Councilman Etheridge, unanimously adopted.

RESOLUTION ORDERING FILING OF BIDS FOR CONSTRUCTION OF ASHEVILLE AUDITORIUM AND CONVENTION HALL

WHEREAS, pursuant to advertisement, bids for the construction of an Auditoriun and Convention Hall have been filed by the following bidders:

General Contractors

Chas. W. Angle, Inc.,
General Southeastern Const. Co.
J. J. McDevitt
Robinson Bros. Inc.,
Dion Roberts

Structural Steel

Virginia Bridge Co.
Dave Steel Co.
Carolina Steel & Iron Co.

Heating

Reliance Eng. Co.
Poe Piping & Heating Co.
J. L. Powers
H. W. Kindler
Wilson Plbg. Co.

Plumbing

J. L. Powers
H. W. Kindler
Wilson Plbg. Co.

that said bids have been duly received, opened and publicly read;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the bids listed in the preamble hereof be filed and presented to Lindsey M. Gudger, Consulting Architect, and that the said Architect is hereby described forthwith to tabulate said bids, and at the earliest practicable moment report to this Council his findings as to the lowest and best bid.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 21st day of November, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

It was moved and seconded that the regular meeting be held Tuesday afternoon at 4:30, instead of Thursday, as this is a National Holiday.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Tuesday, November 22, 1938.

The City Council met in regular session Tuesday, November 22, 1938 at 4:30 P. M., with Mayor Wells presiding. Present: Councilmen Holmes Bryson, C. B. Bamford, Eugene Carland, J. E. Divelbiss, Jr., L. Lyons Lee, Robert M. Wells, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meetings were read and approved.

[illegible] LL

Resolution awarding contract for construction of Asheville Auditorium and Convention Hall was upon motion of Councilman Divelbiss, seconded by Councilman Lee, unanimously passed.

RESOLUTION AWARDING CONTRACT FOR CONSTRUCTION OF ASHEVILLE AUDITORIUM AND CONVENTION HALL

WHEREAS, Lindsey M. Gudger, Consulting Architect, pursuant to a resolution heretofore adopted, has tabulated and considered all bids heretofore received for the construction of an Auditorium Convention Hall, and has duly made his recommendations to this Council, and it appearing from said recommendations and report that the following are the lowest and best bidders for the construction of the Auditorium and Convention Hall in the following sums:

General Contractor

Robinson Brothers Contractors, Inc., Asheville, N. C.
in the sum of 159,450
Less alternates totaling 8,300
Making total construction $151,150

STRUCTURAL STEEL

Dave Steel Company, Asheville, N. C. in the sum of 49,780

Heating

Reliance Engineering Company, Charlotte, N. C.
in the sum of 19,035
Less Alternates totaling 4,311
Making total construction 14,724

Plumbing

J. L. Powers Company, Bennettsville, S. C. in the sum of [illegible]

and that this Council, after considering said report and recommendations and all bids heretofore filed, find that the bids of Robinson Brothers Contractors, Inc. in the sum of $151,150, Dave Steel Company in the sum of $49,780, Reliance Engineering Company in the sum of $14,724, and J. L. Powers Company in the sum of $5,261 are the lowest and best bids:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the bids of Robinson Brothers Contractors, Inc. in the sum of $151,150, Dave Steel Company in the sum of $49,780, Reliance Engineering Company in the sum of $14,724, and J. L. Powers Company in the sum of $5,261 for the construction of the Asheville Auditorium and Convention Hall [illegible] duly accepted, determined and declared to be the lowest and best bids; however, that award shall not be effective until the awardees shall have been notified in writing by the City Manager of the City of Asheville of such award. That upon the awardees being so notified in writing a contract for the construction of said work, as heretofore prescribed by the plans, specifications and contract documents, shall be forthwith executed for said construction.

Section 2. That the Mayor is hereby authorized and directed to execute said contract in the name of and for and on behalf of the City of Asheville.

Section 3. It appearing that the award for the construction of the work herein in the sum of $220,915 is in excess of the funds available from the allotment of the United States of America in the sum of $14,207, and it further appearing that it is the desire of this Council to construct the project as specified by said plans and specifications, it is further resolved that the City, from its own funds and with the understanding that no additional allotment is to be received from the United States of America, shall pay such additional cost; and that in addition to the funds representing 55% of the construction cost, which is to be deposited into the Construction Account, there shall also be deposited in such Construction Account the sum of $14,207.

Section 4. That the Treasurer of the City of Asheville is hereby authorized and directed to deposit said additional sum of $14,207 into said Construction Account, and said sum is hereby specifically appropriated for the purpose of supplementing the funds heretofore made available for the construction of the project.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 22 day of November, 1938.

Robert M. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

Glenn Morris
City Clerk

Thursday,December 1, 1938--4:30 P. M.

The City Council met in regular session Thursday, December 1, 1938, at 4:30 P. M., with Mayor Wells presiding. Present: Councilmen Holmes Bryson, C. B. Bamford, Eugene Carland, H. G. Etheridge, J. E. Divelbiss, Jr., L. Lyons Lee, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr. Corporation Counsel. Minutes of the previous meeting were read and approved.

There being no business, the meeting was upon motion, adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Thursday, December 8, 1938--4:30 P. M.

The City Council met in regular session Thursday, December 8, 1938, at 4:30 P. M., with Mayor Wells presiding. Councilmen Holmes Bryson, J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, Eugene Carland, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Resolution authorizing Mayor to execute quit-claim deed to Consolidated Realty Corporation was upon motion of Councilman Lee, seconded by Councilman Divelbiss unanimously adopted.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO CONSOLIDATED REALTY CORPORATION

"WHEREAS, the Board of Financial Control for Buncombe County acquired title to a number of pieces of property through liquidation of collateral security which belongs to the City of Asheville or the County of Buncombe, or both; and

"WHEREAS, by an act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or held by said Board was transferred to the City of Asheville and the County of Buncombe as their interest may appear; and

"WHEREAS, Lots Nos. 23 and 28 of Block "B" and Lot No. 16 of Block "G" of Woringside were foreclosed shortly prior to the failure of the Central Bank and Trust Company and title was acquired in the name of the Allison Realty Company, and thereafter the Allison Realty Company went into receivership and all its assets were sold to the Board of Financial Control, and since said acquisition of the property by the Board of Financial Control their interest has become vested in the County and City; and

"WHEREAS, the Consolidated Realty Corporation is the owner of the notes secured by deed of trust which was improperly forclosed, and the City of Asheville claims no interest in the property above mentioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized to execute a quit-claim deed to the Consolidated Realty Corporation for the property above mentioned.

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

Seconded by: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted this 8th day of December, 1938.

R. M. Wells
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Upon motion of Councilman Carland, seconded by Councilman [illegible], Ordinance No. 255, entitled, "AN ORDINANCE AUTHORIZING THE ISSUANCE OF $273,909.75 REFUNDING BONDS, SERIES 2, AND $27,390.97 FUNDING BONDS, SERIES 2, OF THE CITY OF ASHEVILLE, PRESCRIBING THE DETAILS THEREOF, PROVIDING FOR THE PAYMENT THEREOF, MAKING CERTAIN PROVISIONS WITH RESPECT TO SAID BONDS, AND DECLARING AN EMERGENCY" was passed on its first reading with Councilman [illegible] voting "aye"; Councilman Divelbiss voting "aye"; Councilman Lee voting "aye"; Councilman Etheridge voting "aye"; Councilman Carland voting "aye" and Councilman [illegible] "aye". No "Nay" votes.

Upon motion duly made and carried, the City Manager was instructed to prepare the sworn statement required by Section 2943 of the North Carolina Code; was designated to make such estimates as are required thereby; and was instructed to file said statement with the City Clerk; and the City Clerk was instructed to keep said statement on file and open to public inspection.

It was moved by Councilman Carland, seconded by Councilman [illegible], that the requirements of the City Charter that ordinances be read on three separate days be dispensed with,and said motion was carried by the unanimous vote of the Council, to-wit:

Councilman Bryson voted "aye", Councilman Divelbiss voted "aye"; Councilman Lee voted "aye"; Councilman Etheridge voted "aye"; Councilman [illegible] voted "aye" and Councilman Wells voted "aye". Nay: None.

Upon motion duly made and carried, it was determined that the ordinance should be brought up for final passage at a meeting of the City Council to be held on December 13, 1938, at 4:30 P. M. in the regular meeting room of the Council in the City Hall.

Upon motion, duly carried, the date of the regular meeting was changed to Tuesday, December 13, 1938, instead of Thursday, December 15, 1938.

Upon motion, the meeting was adjourned.

R. M. Wells
Mayor.

Glenn Morris
City Clerk

Tuesday, December 13, 1938--4:30 P. M.

The City Council met in regular session Tuesday, December 13, 1938, at 4:30 P. M., with Mayor Wells presiding. Present: Councilmen Holmes Bryson, C. B. Bamford, Eugene Carland, J. E. Divelbiss, Jr., H. G. Etheridge, L. Lyons Lee, Robert M. Wells, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

An ordinance entitled "An Ordinance authorizing the issuance of $273,909.75 Refunding Bonds, Series 2, and $27,390.97 Funding Bonds, Series 2, of the City of Asheville, prescribing the details thereof, providing for the payment thereof, making certain provisions with respect to said bonds, and declaring an emergency", which passed its first reading at the meeting of the Council held on December 8, 1938, was brought up for second reading and final passage.

The City Clerk presented her affidavit indicating that P. M. Burdette, City Manager, who was ordered at said meeting of December 8, 1938, to prepare and file the financial statement required by Section 2943 of the North Carolina Statutes had filed his said statement on December 9, 1938, in compliance with said section. The affidavit was approved, ordered recorded in the minutes of the meeting, and is as follows:

"STATE OF NORTH CAROLINA }
COUNTY OF BUNCOMBE }

I, Glenn Morris, do hereby certify that I am the duly qualified and acting City Clerk of the City of Asheville, Buncombe County, North Carolina.

I further certify that subsequent to December 8, 1938, and prior to December 13, 1938, to wit, on the 9th day of December, 1938, there was filed in my office by the City Manager of the City of Asheville a financial statement, a true and correct copy of which is hereto attached and marked Exhibit "A" and that the statement has remained continuously on file and open to public inspection in my office from the aforesaid date of filing.

IN TESTIMONY THEREOF, I have hereunto subscribed my official signature and affixed the seal of the City of Asheville this 13 day of December, 1938.

Glenn Morris
City Clerk.

STATEMENT OF THE EXISTING AND PROPOSED
DEBT OF THE CITY OF ASHEVILLE, NORTH CAROLINA

Made and filed pursuant to the Municipal Finance Act, after the introduction and before the final passage of an Ordinance entitled: "An Ordinance Authorizing the Issuance of $273,909.75 Refunding Bonds, Series 2 and $27,390.97 Funding Bonds, Series 2, of the City of Asheville", introduced at a meeting of the Council of the City of Asheville on December 8th, 1938.

(a)	Gross Debt, shown in Schedule of Gross Debt, below	$ 20,426,282.27
(b)	Deductions, shown in Schedule of Deductions, Below	5,644,180.05
(c)	Net Debt	14,782,102.22
(d)	Assessed Valuation of Property as last fixed for Municipal Taxation- Year 1937	$ 55,042,901.00
(e)	Percentage that net debt bears to said Assessed Valuation	26.9%

SCHEDULE OF GROSS DEBT

(Not including debt incurred or to be incurred in anticipation of the collection of taxes or in anticipation of the sale of bonds other than funding and refunding bonds)

1.	Outstanding Debt not evidenced by bonds	27,390.97
2.	Outstanding Bonded Debts	20,097,590.58
3.	Bonded Debt to be incurred under Ordinance passed or introduced	301,300.72
		$ 20,426,282.27

SCHEDULE OF DEDUCTIONS TO BE MADE FROM
GROSS DEBT IN COMPUTING NET DEBT

1.	Amount of unissued funding or refunding bonds included in Gross Debt	$ 301,300.72
2.	Amount of Sinking Funds or other funds held for the payment of any part of the gross debt other than debt incurred for water, gas, electric light or power purposes, or two or more of said purposes	.00
3.	Amount of uncollected special assessments heretofore levied on account of local improvements from which any part of the gross debt was or is to be incurred which will be applied when collected to the payment of any part of the gross debt	.00
4.	Amount of special assessments to be levied on account of local improvements for which any part of the gross debt was or is to be incurred, and which when collected, will be applied to the payment of any part of the gross debt (the amount of this item being estimated by the undersigned officer pursuant to Resolution adopted by the Council on December 8, 1938)	.00
5.	Amount of bonded debt included in the gross debt and incurred, or to be incurred, for water, gas electric light or power purposes, or two or more of said purposes	5,342,879.33
5a.	Amount of existing bonded debt included in the gross debt and incurred, or to be incurred, for the construction of sewerage system or sewage disposal plants where said sewerage system is entirely supported by sewage service charges or when said systems or plants are operated together with the water works as a combined and consolidated system and as an integral part thereof, and when the amount necessary to meet the annual interest payable on the debt, and the annual installment necessary for the amortization of the debt, and the amount necessary for repairs, maintenance and operation of said system or systems is included in the rate for water-works service and so collected by the municipality	.00
	(NOTE: the amount of the deduction under this item is included in the deduction stated in item (5) above, being inseparable)	
6.	The amount which the City of Asheville is entitled to receive from any railroad or street railway company under contracts heretofore made for payment by such company of all or a portion of the cost of eliminating a grade crossing or crossings within the City, which amount will be applied when received to the payment of any part of the gross debt	.00

7. Indebtedness for school purposes

$ [illegible]

Dated, this 8 day of December, 1938.

P. M. Burdette
City Manager

State of North Carolina,
County of Buncombe.

P. M. Burdette, being duly sworn, says, that he is the City Manager of the City of Asheville, North Carolina; that by a vote of [illegible] by the Council of the City of Asheville on December 8, 1938, he was authorized and directed to make the foregoing statement; and that the foregoing statement is true and was made and subscribed by him after the introduction and before the final passage of the ordinance referred to herein.

P. M. Burdette

Sworn to and subscribed before me on the day and [illegible] said statement.

Margaret Simmons
Notary Public.

My commission expires:
Jan. 6, 1940.

Said above described ordinance was thereupon passed in full as follows:

ORDINANCE NO. 256

AN ORDINANCE AUTHORIZING THE ISSUANCE OF $273,909.75 REFUNDING BONDS, SERIES 2 AND $27,390.97 FUNDING BONDS, SERIES 2, OF THE CITY OF ASHEVILLE, PRESCRIBING THE DETAILS THEREOF, PROVIDING FOR THE PAYMENT THEREOF, MAKING CERTAIN PROVISIONS WITH RESPECT TO SAID BONDS, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the portion of the following described indebtedness which is listed in the column headed "General Indebtedness" aggregating $273,909.75 and having heretofore been adjudged by the District Court of the United States for the Western District of North Carolina to be indebtedness payable solely from taxes as distinguished from indebtedness properly payable from the revenues of the Water Department, whether said indebtedness be in its original form or now represented by judgment, be refunded:

Name of Issue	Interest Rate	Date	Principal Amount	Portion [illegible]	Portion [illegible]
Refunding Bonds	4½	1/1/1904	2,000	1,[illegible]	1,[illegible]
Refunding Bonds	5	7/1/1911	14,000	7,411.[illegible]	6,[illegible]
Funding & Improvement Bonds	5	3/1/1913	4,000	1,395.36	[illegible]
Funding Bonds	5	4/1/1915	1,000	831.91	[illegible]
Public Improvement Bonds	5½	2/1/1922	4,000	4,[illegible]	[illegible]
Public Improvement	4½	9/1/1922	6,000	3,[illegible]	2,[illegible]
Street Improvement	5½	6/1/1923	106,000		106,000.00
Public Building	4½	4/1/1925	36,000		36,000.00
Street Bonds	4½	4/1/1925	29,000		29,000.00
City Hall Bonds	4½	9/1/1926	9,000		9,000.00
Electric Light	4½	9/1/1926	1,000		1,000.00
Permanent Improvement Bonds	4½	9/1/1926	12,000		12,000.00
General Corporate	4½	9/1/1926	6,000		[illegible]
Street Improvement	4½	12/1/1926	5,000		5,000.00
Public Improvement	4½	4/1/1927	17,000	[illegible]	12,[illegible]
Street Improvement	5	1/1/1929	1,000		1,000.00
City Hall Bonds	5	1/1/1929	3,000		[illegible]
General Corporate Notes	6	4/15/1929	21,000	11,334.[illegible]	10,66[illegible]
Public Improvement Notes	6	6/25/1929	2,000	338.10	1,661.90
Kenilworth Street Improvement Bonds	6	1/1/1919	6,000		6,000.00
Kenilworth Street Water & Sewer Bonds	6	5/1/1924	5,000	1,538.45	3,461.55

Name of Issue	Interest Rate	Date	Principal Amount	Portion Water Debt	Portion Gen'l Indebt
Kenilworth Improvement Bonds	6	11/1/1924	1,000	90.91	909.09
South Biltmore Street Bonds	6	3/10/1928	4,000		4,000.00

all of said indebtedness having been incurred for necessary expenses of the City of Asheville constituting special purposes within the meaning of Section 7, Article VII of the Constitution of North Carolina and being hereby expressly recognized as the valid and binding indebtedness of the city.

Section 2. That to refund the indicated portion of the above described indebtedness there be issued refunding bonds of the City of Asheville in the amount of $273,909.75, and that for the composition and retirement of interest thereon falling due on and prior to July 1, 1936, there be issued the funding bonds of said city in the amount of $27,390.97.

Section 3. The refunding bonds shall be dated July 1, 1936, in coupon form in denominations of $1,000, $500 and $250, in registered form in lesser amounts, said denominations to be fixed by the City Accountant in such amounts as are necessary to effect the delivery of said bonds as herein provided. Said bonds shall become due July 1, 1961, that being the shortest period in which the debt to be refunded can be finally paid without making it unduly burdensome upon the taxpayers of the City of Asheville. Said bonds shall bear interest at one per cent (1%) per annum from date to and including June 30, 1939, one and one-quarter per cent (1¼%) per annum thereafter to and including June 30, 1941, one and one-half per cent (1½%) per annum thereafter to and including June 30, 1946, two and one-half per cent (2½%) per annum thereafter to and including June 30, 1951, three and one-quarter per cent (3¼%) per annum thereafter to and including June 30, 1956, and four per cent (4%) per annum thereafter until paid, all interest payable semi-annually on January 1 and July 1 of each year. Principal of and interest on the coupon bonds and principal of the registered bonds shall be payable at St. Louis Union Trust Company, St. Louis, Missouri. Interest on the registered bonds shall be remitted to the registered owner by check or draft drawn on said Trust Company. All of said bonds shall be optional for redemption on any interest payment date prior to maturity. The coupon refunding bonds shall be registerable as to principal.

Section 4. Said funding bonds shall be dated July 1, 1936, shall be in coupon form in denominations of $500, $250 and $100, and in registered form in lesser amounts, said denominations to be fixed by the City Accountant in such amounts as are necessary to effect delivery under the provisions hereof. Said bonds shall become due July 1, 1961, that being the shortest period in which the debt to be funded can be finally paid without making it unduly burdensome on the taxpayers of the City of Asheville. Said bonds shall bear interest at one per cent (1%) per annum, payable semi-annually. Principal of the coupon bonds and registered bonds and interest on the coupon bonds shall be payable at St. Louis Union Trust Company, St. Louis, Missouri. Said bonds shall be optional for redemption on any interest payment date.

Section 5. Neither said refunding bonds or funding bonds shall constitute a novation or new indebtedness, but shall merely evidence an extension or renewal in new form of the original indebtedness, and shall be of like force and effect as such original indebtedness.

Section 6. To pay principal of and interest on said bonds there shall be annually levied on all taxable property in the City of Asheville a special unlimited ad valorem tax fully sufficient for such purpose. It is additionally agreed that the minimum amount to be levied in each fiscal year 1939 to 1946, inclusive, shall be $14,000, and in each fiscal year 1947 to 1960, inclusive be $16,000, provided (a) that if any of the refunding bonds shall not be issued the above minimum amounts may be reduced in any year by a proportionate percentage and, provided (b) the above minimum amounts may also be reduced in any year by such amount as may in the preceding year have been paid from sources other than said tax levies into the sinking fund established for payment of said bonds. As long as the city is not in default in payment of principal of or interest on said bonds the governing body shall not be obliged to make any larger levy in any fiscal year than the above described minimum amounts, but if in any fiscal year there shall not be paid into said sinking fund from all sources a sum at least equal to eighty per cent of the minimum levy required for such fiscal year then the minimum levy for the next succeeding fiscal year shall be increased by an amount equal to one and one-quarter times such deficiency under the eighty per cent and shall not be reduced as would otherwise be allowed under provision (b) above. Interest due to and including July 1, 1939, shall be paid into the sinking fund from other sources.

Section 7. The city agrees to perform all the duties required of it by the Local Government Act, to levy all taxes and to collect sufficient proceeds in such manner as may be required for the punctual payment of the bonds and interest thereon, and to enter into such supplemental undertaking or undertakings as may be required by the holders of the bonds herein authorized, and generally to do all such acts and things as may be necessary or desirable to secure the confidence of such holders and to preserve unimpaired the credit of the city, and particularly to comply with the provisions of Chapter 142 of the Public Laws of 1931. The city agrees that it will not refund the bonds herein authorized then outstanding until it has received the written consent of the holders of at least two-thirds in principal amount of the bonds herein authorized then outstanding, until it has complied with the provisions of Chapter 205 of 1935, or any similar law.

Section 8. The bonds herein authorized shall be delivered to the Treasurer of North Carolina in exchange for the obligations of the city to be refunded and funded. The refunding bonds shall be issued in exchange for obligations refunded on a basis of par for par. The interest coupons and claims representing interest on the indebtedness to be refunded and funded in consideration of the delivery of funding bonds in an amount equal to 50 per cent of the principal amount of the obligations refunded and funded, it being understood that in referring to obligations refunded and funded there is meant the general obligation portions of the outstanding bonds and notes hereinabove listed. All interest thereafter payable on the bonds surrendered obligations on account of interest claims maturing prior to June 1, 1931, shall be deducted from the funding bonds to be issued.

Section 9. The City Council is authorized prior to the issuance of the refunding bonds and funding bonds to adopt an ordinance supplemental to this ordinance and entering into such collateral agreements with respect to the security of the bonds as may seem necessary and desirable to it.

Section 10. A statement of the indebtedness of the city has been filed with the City Clerk and is open to public inspection.

Section 11. That this ordinance shall be published once a week for two consecutive weeks after its final passage and that there shall be appended to such publication a certificate by the City Clerk in form required by Section 2944, North Carolina Code.

Section 12 That all ordinances and resolutions, or parts thereof, in conflict herewith, are hereby repealed, and that it is ordained that this ordinance shall in full force and effect immediately upon its final passage and that it be submitted to the voters of the city, it being hereby declared that this ordinance is essential to the restoration of the fiscal credit of the City of Asheville and to the immediate preservation of the peace, property, health and welfare of the city that this ordinance take effect immediately upon its passage.

I move the adoption of the foregoing ordinance, this 1st day of December, 1938.

Byrne Garland
COUNCILMAN

SECONDED BY: H. C. Etheridge
COUNCILMAN

Read, approved and adopted, this 1st day of December, 1938, effective 1st day of December, 1938.

Robert W. Wells
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

It was moved by Councilman Garland, seconded by Councilman Lee, that the requirements of the City Charter that ordinances be read on three separate days be dispensed with and said motion was carried by vote of less than two-thirds of the members of the Council, to wit:

Aye: Councilman Bryson, Councilman Divelbiss, Councilman Lee, Councilman Etheridge, Councilman Bamford, Councilman Garland and Councilman Wells.

Nay: None

Said ordinance was thereupon given due consideration on motion made by Councilman Lee, seconded by Councilman Bamford, was adopted on final passage by the following vote:

Aye: Councilman Bryson, Councilman Divelbiss, Councilman Lee, Councilman Etheridge, Councilman Bamford, Councilman Garland and Councilman Wells.

Nay: None

Section 14 of said ordinance, being the section providing that said ordinance is an emergency ordinance and shall be given immediate effect, was thereupon separately submitted to the vote of the Council and it was moved by Councilman Divelbiss, seconded by Councilman Bryson that said ordinance be given immediate effect and adopted as an emergency measure. Said motion was carried by the vote of not less than two-thirds of the members of the Council, to-wit:

Aye: Councilman Bryson, Councilman Divelbiss, Councilman Lee, Councilman Etheridge, Councilman Bamford, Councilman Carland, and Councilman Wells.

Nay: None

Thereupon said ordinance, being an ordinance entitled, "An Ordinance authorizing the issuance of $273,909.75 Refunding Bonds Series 2, and $27,390.9[illegible] Funding Bonds, Series 2, of the City of Asheville, prescribing the details thereof, providing for the payment thereof, making certain provisions with respect to said bonds, and declaring an emergency", and being unchanged in any respect from the form in which it was passed on first reading December 8, 1938, was signed by the Mayor and Clerk, approved as to correctness and form by the Corporation Counsel, numbered 255, and declared to be in full force and effect.

The City Clerk was instructed to see that said ordinance be published once in each of two consecutive weeks in the Asheville Times, being a daily newspaper having the largest or second largest circulation in the City of Asheville, in the edition thereof having the largest circulation in said city, and the Clerk was instructed to have appended to said ordinance as published the following certificate:

"The foregoing ordinance was passed on the 13 day of December, 1938, and was first published on the 17 day of December, 1938. Any action or proceeding questioning the validity of said ordinance must be commenced within thirty days after its first publication.

Glenn Morris
Clerk of the City of Asheville."

Mayor Robert M. Wells presented his resignation in writing as follows:

TO THE HONORABLE MEMBERS OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

On account of my recent election on November 8, 1938, to the office of Solicitor of the Nineteenth Judicial District of North Carolina, I wish to tender to your Honorable Body, together with our City Manager and Corporation Counsel, my resignation as Mayor of the City of Asheville, to be effective on the 13 day of December, 1938.

In this connection I wish to recount to our City Council some of the results of our efforts to represent our beautiful City. When we were elected for the first term of office, in my radio speech in connection with our campaign, I promised for our Council that it was our desire to make a bond settlement of twenty-two million dollars or thereabouts for the City of Asheville, to have an airport and to construct an auditorium, all of which has been accomplished, with the assistance of Hon. D. Hiden Ramsey, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr., and a host of our other friends and citizens of Asheville.

In our first and second terms of administration we have lost by death in our City Council two efficient and highly honored Councilmen in the persons of Jake Weaver and Robert Shuford.

I have felt for the years past that every member of our Council from the beginning until this time has and has had the interest of the City of Asheville at heart, and I wish to thank personally this Council for the honor bestowed upon me and the kind cooperation given me as your Mayor. Although time may erase and we may forget your efficienty and your efforts, I verily believe that no officers of the City have ever given unstintingly of their time more than our present Council.

This 13 day of December, 1938.

R. M. Wells
Mayor

Upon motion of Councilman Bamford, seconded by [illegible], Mayor Wells' resignation was accepted with regret.

Upon motion of Councilman Etheridge, in a few well [illegible] by Councilman Lee, Vice-Mayor Holmes Bryson was nominated [illegible] term of Mayor Wells, and was elected to this office by [illegible] Council as follows:

Aye: Councilman Divelbiss, Councilman Lee, Councilman [illegible], Councilman Bamford, and Councilman Carland.

Nay: None.

Thereupon Mr. Bryson was declared Mayor of the City of Asheville.

Mayor Bryson read a statement of praise for the splendid [illegible] rendered the City of Asheville under the leadership of Mayor Wells, setting out many accomplishments of his administration.

The meeting was upon motion, adjourned.

R. M. Wells
Mayor

[illegible]
City Clerk

Holmes Bryson

Thursday, December 22, 1938--4:[illegible] P. M.

Thursday, December 22, 1938, being the regular meeting day of the City Council, and being present Councilman H. G. Etheridge, and Councilman Eugene Carland, on motion of Councilman Etheridge, seconded by Councilman Carland, the meeting was adjourned for lack of a quorum.

[illegible]
City Clerk

Thursday, December 29, 1938--4:[illegible] P. M.

The City Council met in regular session Thursday, December 29, 1938, at 4:30 P. M., with Mayor Holmes Bryson presiding. Present: Councilmen C. B. Bamford, Eugene Carland, H. G. Etheridge, E. Lyons Lee, Mayor Holmes Bryson, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Mr. James S. Howell, Attorney, presented claim of Louise Pressley, for alleged personal injuries in the sum of $2,000, which claim was referred to the City Manager and Corporation Counsel.

TO THE HONORABLE MAYOR AND COUNCILMEN OF THE CITY OF ASHEVILLE, NORTH CAROLINA.

You will please take notice that the undersigned Louise Pressley, pursuant to Section 744 of the City Charter, of the City of Asheville, hereby respectfully claims and demands damages of the City of Asheville as a result of personal injuries sustained by her on or about the 2nd day of December, 1938, at about 8:[illegible] P. M., at which time the said Louise Pressley fell into an opening consisting of water meter left uncovered, which water meter is located in the sidewalk on the southside of Ralph Street, near the intersection of Ralph Street and a short street which runs into Depot Street, near the Southern Railway Station, in the City of Asheville, North Carolina; that at said time, place and date this claimant fell into open water meter, which the agents and employees of the City of Asheville had negligently permitted to be left open in a dangerous and reckless manner, and claimant failed to see said opening in said meter box by reason of the unsufficient lighting of the location of said water meter.

That as a result of the defective condition of said meter box, and opening to the same being left unguarded, by reason of the negligence of the agents and employees of the City of Asheville, this claimant

suffered bruises and severe pains in the back, causing a miscarriage, and as a result of said fall plaintiff has not only been seriously injured but has lost time from her employment, all in the sum of Three Thousand ($3,000.00) Dollars, which this claimant respectfully demands payment of, and hereby files claim in compliance with charter hereinbefore named, and therefore requests payment for her damages as aforesaid.

James S. Howell
Attorney for Louise Pressley
Claimant.

Resolution authorizing Mayor to execute quit-claim deed to Consolidated Realty Corporation was upon motion of Councilman Carland, seconded by Councilman Etheridge, unanimously passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED TO CONSOLIDATED REALTY CORPORATION.

"WHEREAS, the Board of Financial Control for Buncombe County acquired title to a number of pieces of property through liquidation of collateral security which belonged to the City of Asheville or the County of Buncombe, or both; and

"WHEREAS, by an act of the General Assembly of North Carolina the Board of Financial Control was abolished and all of the property owned or held by said Board was transferred to the City of Asheville and the County of Buncombe as their interest may appear; and

"WHEREAS, Lot 7, Block "H" in Oak Park was foreclosed shortly prior to the failure of the Central Bank and Trust Company and title was acquired in the name of the Allison Realty Company, and thereafter the Allison Realty Company went into receivership and all its assets were sold to the Board of Financial Control, and since said acquisition of the property by the Board of Financial Control their interest has become vested in the County and City; and

"WHEREAS, the Consolidated Realty Corporation is the owner of the notes secured by the deed of trust which was improperly forclosed, and the City of Asheville claims no interest in the property above mentioned;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized to execute a quit-claim deed to the Consolidated Realty Corporation for the property above mentioned.

I move the adoption of the goregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 29th day of December, 1938.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Upon motion, duly seconded, the Council recessed for fifteen minutes.

Pursuant to recess the Council was called to order by Mayor Bryson.

Upon motion of Councilman Carland, seconded by Councilman Etheridge, Councilman L. Lyons Lee was nominated to fill the unexpired term of Vice-Mayor, and was unanimously elected to fill this office.

Vice-Mayor Lyone Lee asked Mr. Burdette to ascertain the status of the old Avemore house on Haywood Street, explaining that it had partly been torn down, and the old brick structure remained standing, creating an unsightly appearence for Haywood Street in the Hotel district.

The meeting was upon motion, adjourned.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

Thursday, January 5, 1939--4:30 P.M.

The City Council met in regular session with Mayor Bryson presiding, Thursday, January 5, 1939. Present: Councilmen C. B. Bamford, Eugene Carland, J. E. Divelbiss, Jr., H. G. Etheridge, L. Lyons Lee, Mayor Holmes Bryson, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

ELECTRICAL EXAMINING BOARD

Resolution appointing Board of Electrical Examiners for the City of Asheville was upon motion of Councilman Bamford, seconded by Councilman Divelbiss, unanimously passed as follows:

RESOLUTION APPOINTING BOARD OF ELECTRICAL EXAMINERS FOR THE CITY OF ASHEVILLE

WHEREAS, Section 4 of Ordinance 254 of the City of Asheville, commonly known as the Electrical Ordinance, authorizes the City Council to appoint a commission of five members to be known as the Board of Electrical Examiners; and

"WHEREAS, one member of said board shall be an electrical contractor, one member a journeyman electrician, one member a representative of a utility, and the Superintendent of Electrical Affairs and the Electrical Inspector will act as ex officio members of the board;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Marion B. Haynes, Electrical Contractor, H. J. Pressley, Journeyman Electriciam, R. G. Thyse, representative of Utility, C. T. Johnson, Superintendent of Electrical Affairs, and R. D. Campbell, Electric l Inspector, be and they are hereby appointed members of the Board of Electrical Examiners for the City of Asheville.

I move the adoption of the foregoing resolution.

C. B. Bamford
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 5 day of January, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

The meeting was on motion, adjourned.

Mayor Holmes Bryson

Glenn Morris
City Clerk

Thursday, January 12, 1939--4:30 P. M.

The City Council met in regular session, Thursday, January 12, 1939, at 4:30 P. M. with Vice-Mayor L. Lyons Lee presiding. Present: Councilmen J. E. Divelbiss, Jr., Eugene Carland, H. G. Etheridge, Vice-Mayor L. Lyons Lee, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Vice-Mayor Lee announced that the Council was ready to act on nomination for the vacancy which exists on the Council and asked for nominations: Upon motion of Councilman Divelbiss, seconded by Councilman Etheridge, Mr. O. E. Starnes was nominated to fill the vacancy and nominations were closed, and Mr. Starnes was unanimously elected. Mr. Starnes was notified and sworn in, and sat with the Council for the remainer of the meeting. Mr. J. E. Swain, Clerk of the Court administered the oath of office. Mayor Holmes Bryson and Councilman C. B. Bamford both voted by proxy.

Claim of J. H. Smith for alleged personal injuries was read by the Clerk, and was referred to the Corporation Counsel and City Manager for investigation and report.

TO THE HONORABLE MAYOR OF THE CITY OF ASHEVILLE, HOLMES BRYSON, PAT M. BURDETTE, CITY MANAGER AND P. C. COCKE, CORPORATION COUNSEL.

In re: Claim of J. H. Smith.

You and each of you are hereby notified that the above named claimant, J. H. Smith, does by these presents file claim with and against the City of Asheville, it's governing body, and the municipality for the sum of $25,000, and for a basis of said claim respectfully showeth:

That on December 31, 1938, while the claimant, J. H. Smith was walking eastward on the north side of Aston Street, the water wagon, flushing the streets, was driving westward on said street, and it became necessary for the claimant to step backward to avoid being flushed with the water, and the city had negligently, and carelessly constructed and allowed to remain, a concrete elevation across said sidewalk, thereby obstructing the sidewalk in such a manner that it tripped this claimant and he fell on the pavement, greatly injuring and lamening his back, side and hips, to such an extent that he is, as is advised and believes, totally and permanently injured and damaged.

This claim is being filed in compliance with the requirements of law covering such matters. Kindly advise me as to your disposition of this claim within a reasonable time from date hereof.

Very respectfully submitted.

J. Scroop Styles
J. H. Smith, by J. Scroop Sytles

Notice of the foregoing claim is this day accepted, this 12 day of January, 1939.

Mr. Carl Green, Attorney and Mr. Seth J. Perkinson, of the Y.M.C.A., asked the Council to provide a permanent ball park for the junior baseball clubs sponsored by the Civic Clubs of the City. Mr. Green suggested that Aston Park might be used with very little expense to the City. This was referred to the City Manager and Superintendent of Parks.

Resolution fixing minimum rates for tractor operators and shovel operators on the Asheville Auditorium-Convention Hall Dockett #4496 was upon motion of Councilman Etheridge, seconded by Councilman Divelbiss, unanimously passed.

RESOLUTION FIXING MINIMUM RATES FOR TRACTOR OPERATORS AND SHOVEL OPERATORS ON THE ASHEVILLE AUDITORIUM-CONVENTION HALL DOCKET #4496

WHEREAS, Lindsey M. Gudger, architect for the Asheville Auditorium-Convention Hall, PWA Docket #4496, has advised the City Manager that a wage scale for tractor operators and shovel operators should be added to the list under resolution passed by the City Council on the 4th day of August, 1938:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That at the request of the Public Works Administration and the architect, Lindsey M. Gudger, the wage scale for tractor operators be and the same is .35 per hour and the wage scale for shovel operators be and the same is .35 per hour.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: H. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 12th day of January, 1939.

L. Lyons Lee
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

A resolution extending the date of completion for the excavation work incidental to the construction of the Asheville Auditorium Hall to temporarily suspend work upon the excavation; and

WHEREAS, this Council has fully considered this recommendation and finds it is for the best interest of the City of Asheville to suspend temporarily such construction;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the Contractor for the excavation work, Norman S. Hildebrand, be instructed to suspend work until notified by the Architect, and that the date of completion for this portion of the work be extended until February 1, 1939, and that the Architect be instructed to notify the Contractor and the PWA of this action and the fact that the Council of the City of Asheville waives its rights under the liquidated damages clause set forth in the specifications until, and only until, February 1, 1939.

I move the adoption of the foregoing resolution, this 12 day of January, 1939.

H. G. Etheridge
Councilman

SECONDED BY: Eugene Carland
Councilman

Read, approved and adopted, this 12 day of January, 1939.

L. Lyons Lee
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

There being no further business, the meeting was upon motion, adjourned.

L. Lyons Lee
Vice Mayor

Glenn Morris
City Clerk

Thursday, January 19, 1939--4:30 P. M.

The City Council met in regular session Thursday, January 19, 1939 at 4:30 P. M., with Mayor Bryson presiding. Present Councilmen Eugene Newland, J. V. Rivelbiss, Jr., L. Lyons Lee, H. G. Etheridge, O. E. Starnes, Mayor Holmes Bryson, City Manager P. M. Burdette, Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Mr. S. F. Stradley, presented to the Council his idea of possible improvements to the present curb market, using an addition or top to the present open air market for a Tobacco Warehouse, Mr. Stradley read a letter from the County Farm Agent C. Y. Tilson endorsing the proposed warehouse and market improvements. Mayor Bryson told Mr. Stradley that the Council would study his suggestions.

Mr. Burdette, City Manager, presented Ordinance No. 256, entitled "AN ORDINANCE SUPPLEMENTING ORDINANCE NUMBER 255, ENTITLED 'An Ordinance authorizing the issuance of $273,909.75 Refunding Bonds, Series 2, and $27,390.97 Funding Bonds Series 2 of the City of Asheville, prescribing the details thereof, providing for the payment thereof, making certain provisions with respect to said bonds, and declaring an emergency' FIXING IN DETAIL THE PROVISIONS OF SAID BONDS, AND DECLARING AN EMERGENCY FOR THE PEACE, PROPERTY, HEALTH, AND SAFETY OF THE CITIZENS OF THE CITY OF ASHEVILLE" and was read in full as follows:

ORDINANCE NO. 256

AN ORDINANCE SUPPLEMENTING ORDINANCE NUMBER 255, entitled "An Ordinance authorizing the issuance of $273,909.75 Refunding Bonds, Series 2, and $27,390.97 Funding Bonds, Series 2, of the City of Asheville, prescribing the details thereof, providing for the payment thereof, making certain provisions with respect to said bonds, and declaring an emergency", FIXING IN DETAIL THE PROVISIONS OF SAID BONDS, AND DECLARING AN EMERGENCY FOR THE PEACE, PROPERTY, HEALTH AND SAFETY OF THE CITIZENS OF THE CITY OF ASHEVILLE.

WHEREAS, the City of Asheville, through its duly constituted governing authority, has heretofore authorized and issued certain bonds and notes, of which the following described bonds and notes are now outstanding and constitute legally binding indebtedness of said city:

Name of Issue	Interest Rate	Date	Principal Amount	Portion Water Debt	Portion Gen'l Indebt.
Refunding Bonds	4½	1/1/1904	$ 2,000	$1,000	$1,000
Refunding Bonds	5	7/1/1911	13,000	3,611.01	9,388.99
Funding & Improvement Bonds	5	3/1/1913	4,000	1,395.36	2,604.64
Funding Bonds	5	4/1/1915	1,000	531.91	468.09
Public Improvement Bonds	5½	2/1/1922	6,000	4,000.02	1,999.98
Public Improvement Bonds	4½	9/1/1922	6,000	3,999.96	2,000.04
Street Improvement Bonds	5½	6/1/1923	106,000		106,000
Public Building Bonds	4½	4/1/1925	36,000		36,000
Street Bonds	4½	4/1/1925	29,000		29,000
City Hall Bonds	4½	9/1/1926	9,000		9,000
Electric Light Bonds	4½	9/1/1926	1,000		1,000
Permanent Improvement Bonds	4½	9/1/1926	12,000		12,000
General Corporate Bonds	4½	9/1/1926	6,000		6,000
Street Improvement Bonds	4½	12/1/1926	5,000		5,000
Public Improvement Bonds	4½	4/1/1927	17,000	4,250	12,750
Street Improvement Bonds	5	1/1/1929	1,000		1,000
City Hall Bonds	5	1/1/1929	3,000		3,000
General Corporate Notes	6	4/15/1929	31,000	11,334.53	19,665.47
Public Improvement Notes	6	6/25/1929	2,000	338.10	1,661.90
					259,539.11

and

WHEREAS, there have heretofore been duly authorized and issued the bonds of the incorporated towns of Kenilworth and South Biltmore for purposes set forth below, of which bonds there now remain outstanding and unpaid the amounts likewise set forth below:

Bonds Issued by Town of Kenilworth

Name of Issue	Interest Rate	Date	Principal Amount	Portion Water Debt	Portion Gen'l Indebt.
Street Improvement Bonds	6	1/1/1919	$6,000		$4,477.55
Street, Water & Sewer Bonds	6	5/1/1924	5,000	$ 1,523.45	3,476.55
Improvement Bonds	6	11/1/1924	1,000	90.91	909.09

Bonds Issued by Town of South Biltmore

Street Bonds	6	3/10/1928	4,000	32,999.25	4,000
					273,909.75

which said incorporated towns of Kenilworth and South Biltmore, pursuant to the provisions of Chapter 205 of the Private Laws of North Carolina, session of 1929, have been included in the City of Asheville and the said bonds thereupon assumed by the said City of Asheville, so that the said bonds become and have ever since been recognized as and considered the legal obligations of the said city, and interest thereupon has been paid from the proceeds of taxes levied on all taxable property in said city; and

WHEREAS, of the total obligations set forth in the foregoing two lists, a portion as shown on said lists, towit, $273,909.75, constitutes a general obligation of the said city, and the remaining portion as shown on said lists, towit, $27,390.25, has been adjudged by the District Court of the United States for the Western District of North Carolina to constitute Water Debt; and

WHEREAS, by Ordinance #237 of the City of Asheville adopted May 21, 1936, and action taken pursuant thereto, suitable provision has been made for refunding that portion of the said obligations which has been adjudged Water Debt; but it is now desired to make more suitable provision for refunding the portion constituting general obligations, and for effecting a composition of the interest which has accrued thereupon; and

WHEREAS, there is outstanding and unpaid interest due on said general obligations above described, falling due on and prior to July 1, 1936 in the approximate aggregate amount of $110,000; and

WHEREAS, the financial condition of said city, and its ability to pay said indebtedness, and the fact that said city is now in default in the payment of its said indebtedness and cannot now and will not be able to pay said indebtedness in accordance with the terms thereof, make it necessary and for the best interests of said city to refund said outstanding principal indebtedness and to fund said outstanding interest indebtedness in the manner hereinafter provided; and

WHEREAS, pursuant to agreement heretofore entered into, the holders of a portion of the above described indebtedness have agreed to accept refunding bonds of the character hereinafter described in exchange for the principal of that portion of the said indebtedness which constitutes general indebtedness, and have agreed to accept funding bonds of the character hereinafter described in composition of and exchange for all interest on that portion which constitutes general indebtedness, and have agreed at the same time to accept the refunding bonds and the composition of interest provided in pursuance of the above cited Ordinance 237 in exchange for that portion of the principal of and interest on said indebtedness which constitutes Water Debt, all of said exchange to be made on the basis and in the manner hereinafter set out; and it is believed that the holders of the remainder of said indebtedness will accept the same terms of exchange, so that it is necessary to authorize the issuance of refunding bonds in the total principal amount of Two Hundred Seventy-three Thousand Nine Hundred Nine Dollars and Seventy-five Cents ($273,909.75), and toauthorize the issuance of funding bonds in the total principal amount of Twenty-seven Thousand Three Hundred Ninety Dollars and Ninety-seven cents ($27,390.97); and

WHEREAS, there has been heretofore adopted on preliminary and final reading Ordinance Number 255 of the City of Asheville being entitled "An Ordinance authorizing the issuance of $273,909.75 Refunding Bonds, Series 2, and $27,390.97 Funding Bonds, Series 2, of the City of Asheville, prescribing the details thereof, providing for the payment thereof, making certain provisions with respect to said bonds, and declaring an amergency", and said ordinance has been duly published as required by law and the financial statement required by law has been filed, and it is now desired to adopt an ordinance for the purpose of supplementing said above described ordinance and fixing in detail the provisions of said bonds;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the outstanding bonds and notes listed in the preamble hereto are hereby expressly acknowledged and recognized as the legally binding obligations of the City of Asheville, payable from ad valorem taxes to be levied on all taxable property within the bounderies of said city.

Section 2. That for the purpose of refunding and retiring that portion of the outstanding bonds and notes issued by and assumed by the City of Asheville which constitutes general indebtedness, as described in the preamble hereto, in the principal amount of Two Hundred Seventy-three Thousand Nine Hundred Nine Dollars and Seventy-five cents ($273,909.75), there are hereby authorized to be issued the negotiable bonds of the City of Asheville in the aggregate principal amount of $273,090.75 to be designated "Refunding Bonds, Series 2", the amount of which does not exceed the above described outstanding principal of the general indebtedness; and that for the composition, refunding and retirement of the interest on said outstanding principal of said general indebtedness described in the preamble hereto, there are

hereby authorized to be issued the negotiable bonds of the said city in the aggregate principal amount of $27,390.97, to be designated "Funding Bonds, Series 2".

Section 3. That the Refunding Bonds shall be dated July 1, 1936. They shall be issued in coupon form in the denomination of One Thousand Dollars ($1,000), Five Hundred Dollars ($500), and Two Hundred Fifty Dollars ($250) and in registered form in such amounts less than $250 as may be determined by the secretary of the Sinking Fund Commission to be necessary in order to permit delivery to the holder of any of the outstanding obligations to be refunded hereunder the amount due under the provisions hereof. Said bonds in coupon form of the denomination of $1,000 shall be numbered from A-1 upward, said bonds in the denomination of $500 shall be numbered B-1 upward, said bonds of the denomination of $250 shall be numbered from C-1 upward, and said registered bonds shall be numbered from R-1 upwards. All of said Refunding Bonds shall become due July 1, 1961. It is hereby determined and declared, as required by Section 2942 of the Consolidated Statutes, that the shortest period in which the debt to be refunded pursuant to this ordinance can be finally paid without making it unduly burdensome upon the taxpayers of the City of Asheville is twenty-five years, computed from July 1, 1936. They shall bear interest at the rate of one per cent (1%) per annum from date to and including June 30, 1939, one and one-quarter per cent (1¼%) per annum from July 1, 1939 to and including June 30, 1941, one and one-half per cent (1½%) per annum from July 1, 1941 to and including June 30, 1946, two and one half per cent (2½%) per annum from July 1, 1946 to and including June 30, 1951, three and one-quarter per cent (3¼%) per annum from July 1, 1951 to and including June 30, 1956, and four per cent (4%) per annum from July 1, 1956 until paid. Interest on all of said bonds shall be payable semi-annually on January 1st and July 1st of each year. Interest on said coupon bonds accruing prior to maturity of said bonds shall be represented by appropriate interest coupons to be attached thereto. Interest on the said registered owner by check or draft drawn upon the St. Louis Union Trust Company, St. Louis, Missouri. Principal of and interest on the said coupon bonds, and the principal of the said registered bonds shall be payable at the St. Louis Union Trust Company, St. Louis, Missouri, in any coin or currency which at the time of payment is legal tender for the payment of public or private debts. All of said Refunding Bonds shall be redeemable at the option of the city on any interest payment date prior to maturity, pursuant to thirty days' notice to be published once in a financial journal published and of general circulation in the Borough of Manhattan, City and State of New York, and to notice to be sent by registered mail, not less than thirty days prior to the date fixed for redemption, to the place of payment, and to the registered owner, if the bonds be registered. If less than all of said Refunding Bonds are called for payment on any interest payment date, the bonds to be so called shall be chosen by lot. Each of said Refunding bonds shall be signed by the Mayor, City Manager and City Clerk and the corporate seal of the said city shall be impressed thereon. Interest coupons to be attached to the said bonds in coupon form shall be executed with the facsimile signature of the City Clerk, who shall by execution of said bonds adopt as and for her own proper signature her facsimile signature appearing on said coupons.

Section 4. That said Refunding Bonds in coupon form shall be registerable as to principal in the name of the holder in the bond register of the City of Asheville by the City Treasurer, as Bond Registrar, or by such other Bond Registrar as may be legally appointed by said city, which registration shall also be noted on the back of each bond registered. After such registration no transfer of bonds so registered shall be valid unless made on the bond register and similarly noted on the bonds. Bonds registered as to principal may be discharged from registration by being transferred to bearer, after which they shall be transferable by delivery, but may again be registered as to principal as before. Registration of bonds as to principal shall not restrain the negotiability of the coupons attached to said bonds, which coupons shall continue to be transferable by delivery.

Section 5. That the Funding Bonds to be issued hereunder shall be dated July 1, 1936. They shall be issued in coupon form in the denominations of Five Hundred Dollars ($500.00), Two Hundred Fifty Dollars ($250.00), and One Hundred Dollars ($100.00), and in registered form in such amounts less than one hundred dollars as may be determined by the Secretary of the Sinking Fund Commission to be necessary in order to permit the delivery to the holder of any of the outstanding obligations to be funded hereunder the amount due under the provisions of this ordinance. Said bonds in coupon form of the denomination of Five Hundred Dollars ($500.00) shall be numbered from I-1 upward; said bonds in the denomination of Two Hundred and Fifty Dollars ($250.00) shall be numbered from K-1 upwards; said bonds of the denomination of One Hundred Dollars ($100.00) shall be numbered from L-1 upwards; and said registered bonds shall be numbered from LR-1 upwards. All of said bonds shall become due July 1, 1961. It is hereby determined and declared, as required by Section 2942 of the Consolidated Statutes, that the shortest period in which the debt to be refunded pursuant to this ordinance can be finally paid without making it unduly burdensome upon the taxpayers of the City of Asheville is twenty-five years, computed from July 1, 1936. They shall bear interest at the rate of one per cent (1%) per annum, payable semi-annually on January 1st and July 1st of each year. Interest on said coupon bonds accruing prior to the maturity of said bonds shall be represented by appropriate interest coupons to be attached thereto. Interest on the said registered bonds shall be remitted to the registered owner by check or draft drawn upon the St. Louis Union Trust Company, St. Louis Missouri. Principal of and interest on the said coupon bonds and the principal of said registered bonds shall be payable at St. Louis Union Trust Company, St. Louis, Missouri in any coin or currency which at the time of payment is legal tender for the payment of public or private debts. All of said Funding Bonds shall be redeemable at the option of the city on any interest payment date prior to maturity, pursuant to thirty days' notice to be published once in a financial journal published and of general circulation in the Borough of Manhattan, City and State of New York, and to notice to be sent by registered mail not less than thirty days prior to the date fixed for redemption to the place of payment and to the registered owner if the bonds be registered. If less than all of said funding bonds

are called for payment on any interest payment date, the bonds to be so called shall be chosen by lot. Each of said funding bonds shall be signed by the Mayor, City Manager and City Clerk, and the corporate seal of said city shall be impressed thereon. Interest coupons to be thereto attached shall be executed with the facsimile signature of the City Clerk, who shall by the execution of said bonds adopt as and for her own proper signature her facsimile signature appearing on said coupons.

Section 6. That said refunding bonds and funding bonds shall not constitute a novation or a new indebtedness, but shall merely evidence an extension or renewal in a new form of the original existing indebtedness refunded and funded thereby, and shall be of like force and effect as to obligation as if the original indebtedness had remained unrefunded, it being the intention hereof that all contract rights as to security, taxing power, obligation for payment, remedy and enforcement, enjoyed by the holders of said indebtedness in its original form shall inure to and be enjoyed by the holders of said indebtedness in its funded and refunded form, as presented by the funding and refunding bonds herein authorized; that only such property as would be exempt from taxation under the provisions of the laws and constitution of North Carolina which were in force at the time of the creation of the indebtedness funded and refunded by said bonds shall be exempt from taxation to pay the interest upon and principal of said refunding bonds and funding bonds as the same, respectively, become due; that all laws enacted since the issuance of the bonds and notes herein authorized to be refunded, which are ineffective as to such obligations, shall be ineffective as to the funding and refunding bonds herein authorized; that each of said refunding bonds and funding bonds shall contain on its face a recital to said effect; and that the recital to said effect appearing in the bond forms herein set out is approved, adopted and ratified.

Section 7. That said refunding bonds in coupon form, the coupons thereto attached, and the blanks to be endorsed thereon, shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
CITY OF ASHEVILLE
REFUNDING BOND, SERIES 2.

Number _____ $_____

KNOW ALL MEN BY THESE PRESENTS that the City of Asheville in the State of North Carolina, hereby acknowledges itself to be indebted and promises to pay to the bearer, or if this bond be registered to the registered holder hereof, the sum of _____Dollars ($_____) on the 1st day of July, 1961, with option of prior redemption as hereinafter provided, and to pay interest on said sum as hereinafter specified from the date hereof until this bond is paid or called for redemption, said interest to be payable semi-annually on the first days of January and July of each year upon presentation and surrender of the attached coupons as they severally become due. Both principal of and interest on this bond are payable in any coin or currency which at the time of such payment is legal tender for the payment of public or private debts, at the St. Louis Union Trust Company, St. Louis, Missouri, and for the prompt payment of this bond and interest thereon as the same become due the full faith, credit, and resources of said city are hereby irrevocably pledged.

This bond may be called for redemption prior to maturity on any interest payment date at par and accrued interest, pursuant to thirty days' notice of call to be published one time in a financial journal published and of general circulation in the Borough of Manhattan, in the City and State of New York, and sent by registered mail to the place of payment hereinabove specified, and to the registered holder of this bond if the bond is then registered as to principal.

This bond is part of a total authorized issue of $273,909.75 of bonds of like date and tenor except as to form and denomination issued for the purpose of refunding a like par principal amount of the outstanding and legally binding bonds and notes of the City of Asheville. This bond shall bear interest at the rate of one per cent (1%) per annum from date to and including June 30, 1939, one and one-quarter per cent (1¼%) per annum from July 1, 1939, to and including June 30, 1941, one and one-half per cent (1½) per annum from July 1, 1941 to and including June 30, 1946, two and one-half per cent (2½%) per annum from July 1, 1946 to and including June 30, 1951, three and one-quarter per cent (3¼%) per annum from July 1, 1951, to and including June 30, 1956, and four per cent (4%) per annum from July 1, 1956, until paid.

This bond is issued in exchange for a like par principal amount of outstanding and legally binding indebtedness of the City of Asheville and does not constitute new indebtedness or a novation of said outstanding indebtedness, but merely evidences as extension or renewal in a new form of said original existing indebtedness refunded hereby, and is of like force and effect as to obligation as if said original indebtedness had remained unrefunded, it being expressly hereby provided and recited that the holder or holders of this bond shall be subrogated to all of the rights and powers enjoyed by the holders of the indebtedness hereby refunded, and that all contract rights as to security, taxing power, obligation for payment, remedy and enforcement, enjoyed by the holders of said indebtedness in its **original** form have inured to and are and shall be enjoyed by the holders of said indebtedness as represented by this refunding bond; that only such property in the City of Asheville as would be exempt from taxation under the provisions of the laws and constitution of North Carolina which were in force at the time of the creation of the indebtedness refunded hereby, shall be exempt from taxation to pay the interest on and principal of this bond as the same respectively become due, and that laws enacted since the creation of the indebtedness refunded hereby which are ineffective as to such indebtedness are hereby declared to be similarly ineffective as to this bond.

This bond is registrable as to principal in the name of the holder in the Bond Register of the City of Asheville, by the City Treasurer, or by such other Bond Registrar as may be legally appointed by said City, which registration shall also be noted on the back of this bond. After such registration no transfer of this bond shall be valid unless made on the bond register and semilarly noted hereon. Registration of this bond as to principal may be discharged by transfer to bearer, after which this bond shall be transferable by delivery, but may again be registered as to principal as before. Registration hereof as to principal shall not restrain the negotiability of the coupons hereto attached by delivery merely.

This bond, together with the series of which it is a part, is issued under authority of and in full compliance with the Municipal Finance Act, 1921, as amended, the Local Government Act, and with the constitution and laws of the State of North Carolina, and in pursuance of ordinances, resolutions and proceedings of the Council of the City of Asheville duly and legally adopted and taken, and it is hereby recited and certified that all acts, conditions and things required to be done precedent to and in the issuance of said bonds and of this bond, and of the indebtedness refunded hereby, have been properly done, happened and been performed in regular and due form as required by law, and that the indebtedness refunded hereby was a legally refundable, subsisting and legal obligation of said city; that neither the indebtedness refunded hereby nor this bond, nor the series of which it is a part, together with all other indebtedness of said city, now exceeds or did at the time of the incurring of such indebtedness exceed any limitation prescribed by the constitution or statutes of the State of North Carolina, and that provision has been made for the levy and collection of ad valorem taxes upon all taxable property within said city without limitation as to rate or amount fully sufficient to provide for the payment of the principal of and interest on this bond as the same become due.

IN WITNESS WHEREOF, the City of Asheville, in the State of North Carolina, has caused this bond to be signed by its Mayor, City Manager and City Clerk, and the official seal of said city to be impressed hereon, and the annexed interest coupons to be executed with the facsimile signature of said City Clerk, all as of the first day of July, 1936.

_____
Mayor

_____
City Manager

_____
City Clerk

(Form of Interest Coupon)

Number _____ $_____

On the first day of _____, 19___, unless the bond to which this coupon is attached has been sooner called for redemption, the City of Asheville in the State of North Carolina will pay to the bearer at the St. Louis Union Trust Company, St. Louis, Missouri, the sum of _____ Dollars ($_____) in any coin or currency which is then legal tender for the payment of public or private debts, being six months' interest due that day on its Refunding Bond, Series 2, dated July 1, 1936, and numbered _____.

_____
City Clerk

(Form of Registration Certificate)

Name of Registered Holder	Date of Registration	Signature of Registrar

On the back of each of said refunding bonds there shall be printed a certificate for the purpose of evidencing the approval of each bond by the Local Government Commission, which certificate shall be in substantially the following form:

"The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

W. E. Easterling, Secretary,

LOCAL GOVERNMENT COMMISSION

By_____
Designated Assistant"

The said Refunding Bonds in registered form and the [illegible] endorsed thereon shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA
CITY OF ASHEVILLE

REFUNDING BONDS, SERIES 2.

Number _____ $_____

KNOW ALL MEN BY THESE PRESENTS, that the City of Asheville in the State of North Carolina hereby acknowledges itself to be indebted and promises to pay to _____, or registered assigns, the sum of _____ Dollars ($_____) on the first day of July, 19___, with option of prior redemption as hereinafter provided, and to pay interest on said sum as hereinafter specified from the date hereof until this bond is paid or called for redemption, said interest to be payable semi-annually on the first days of January and July of each year. The interest on this bond as the same becomes due will be remitted to the registered owner by check or draft drawn on the St. Louis Union Trust Company, St. Louis, Missouri. The principal of this bond is payable in any coin or currency which at the time of such payment is legal tender for the payment of public or private debts at the St. Louis Union Trust Company, St. Louis, Missouri, and for the prompt payment of this bond and interest thereon, as the same becomes due, the full faith, credit and resources of said city are hereby irrovocably pledged.

This bond may be transferred on the Bond Register of the City of Asheville by the registered owner in person or by attorney, upon presentation to the City Treasurer as Bond Registrar, or such other Bond Registrar as may be legally appointed by said city, accompanied by delivery of a written instrument of transfer, in a form approved by such Bond Registrar, executed by the registered owner, notation of which transfer shall be endorsed hereon by said Bond Registrar.

This bond may be called for redemption prior to maturity on any interest payment date at par and accrued interest, pursuant to thirty days' notice of call to be published one time in a financial journal published and of general circulation in the Borough of Manhattan, in the City and State of New York, and sent by registered mail to the place of payment hereinabove specified, and to the registered holder of this bond.

This bond is part of a total authorized issue of $273,909.75 of bonds of like date and tenor, except as to form and denomination, issue for the purpose of refunding a like par principal amount of the outstanding and legally binding bonds and notes of the City of Asheville. This bond shall bear interest at the rate of one per cent (1%) per annum from date to and including June 30, 1939, one and one-quarter per cent (1¼%) per annum from July 1, 1939, to and including June 30, 1941, one and one-half per cent (1½%) per annum from July 1, 1941 to and including June 30, 1946, two and one-half per cent (2½%) per annum from July 1, 1946 to and including June 30, 1951, three and one-quarter per cent (3¼%) per annum from July 1, 1951, to and including June 30, 1956, and four per cent (4%) per annum from July 1, 1956, until paid.

This bond is issued in exchange for a like par principal amount of outstanding and legally binding indebtedness of the City of Asheville and does not constitute new indebtedness or a novation of said outstanding indebtedness, but merely evidences an extension or renewal in a new form of said original existing indebtedness refunded hereby, and is of like force and effect as to obligation as if said original indebtedness had remained unrefunded, it being expressly hereby provided and recited that the holder or holders of this bond shall be subrogated to all of the rights and powers enjoyed by the holders of the indebtedness hereby refunded, and that all contract rights as to security, taxing power, obligation for payment, remedy and enforcement, enjoyed by the holders of said indebtedness in its original form have inured to and are and shall be enjoyed by the holders of said indebtedness as represented by this refunding bond; that only such property in the City of Asheville as would be exempt from taxation under the provisions of the laws and constitution of North Carolina which were in force at the time of the creation of the indebtedness refunded hereby, shall be exempt from taxation to pay the interest on and principal of this bond as the same respectively become due, and that laws enacted since the creation of the indebtedness refunded hereby which are ineffective as to such indebtedness are hereby declared to be similarly ineffective as to this bond.

This bond, together with the series of which it is a part, is issued under authority of and in full compliance with the Municipal Finance Act, 1921, as amended, the Local Government Act, and with the constitution and laws of the State of North Carolina, and in pursuance of ordinances, resolutions and proceedings of the Council of the City of Asheville duly and legally adopted and taken, and it is hereby recited and certified that all acts, conditions and things required to be done precedent to and in the issuance of said bonds and of this bond, and of the indebtedness refunded hereby, have been properly done, happened and been performed in regular and due form as required by law, and that the indebtedness refunded hereby was a legally refundable, subsisting and legal obligation of said city; that neither the indebtedness refunded hereby nor this bond, nor the series of which it is a part, together with all other indebtedness of said city, now exceeds or did at the time of the incurring of such indebtedness exceed any limitation prescribed by the constitution or statutes of the State of North Carolina,

that provision has been made for the levy and collection of ad valorem taxes upon all taxable property within said city without limitation as to rate or amount fully sufficient to provide for the payment of the principal of and interest on this bond as the same become due.

IN WITNESS WHEREOF, the City of Asheville in the State of North Carolina has caused this bond to be signed by its Mayor, City Manager and City Clerk, and the official seal of said city to be impressed hereon, all as of the first day of July, 1936.

_____
Mayor

_____
City Manager

_____
City Clerk

(Form of Registration Certificate)

Name of Registered Owner	Date of Registration	Signature of Registrar

On the back of each of said refunding bonds there shall be printed a certificate for the purpose of evidencing the approval of each bond by the Local Government Commission, which certificate shall be in substantially the following form:

"The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

W. E. Easterling, Secretary,

LOCAL GOVERNMENT COMMISSION

By _____
Designated Assistant"

Section 3. That said Funding Bonds in coupon form, the coupons thereto attached, and the blanks to be endorsed thereon, shall be in substantially the following form:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF NORTH CAROLINA

CITY OF ASHEVILLE

FUNDING BOND, SERIES 2.

Number _____ $_____

KNOW ALL MEN BY THESE PRESENTS that the City of Asheville in the State of North Carolina, hereby acknowledges itself to be indebted and promises to pay to the bearer the sum of _____ Dollars ($_____) on the first day of July, 1961, with option of prior redemption as hereinafter provided, and to pay interest on said sum at the rate of one per cent (1%) per annum from the date hereof until this bond is paid or called for redemption, said interest to be payable semi-annually on the first days of January and July of each year upon presentation and surrender of the attached coupons as they severally become due. Both principal of and interest on this bond are payable in any coin or currency which at the time of such payment is legal tender for the payment of public or private debts, at the St. Louis Union Trust Company, St. Louis, Missouri, and for the prompt payment of this bond and interest thereon as the same become due and full faith, credit, and resources of said city are irrevocably pledged.

This bond may be called for redemption prior to maturity on any interest payment date at par and accrued interest, pursuant to thirty days' notice of call to be published one time in a financial journal published and of general circulation in the Borough of Manhattan, in the City and State of New York, and sent by registered mail to the place of payment hereinabove specified.

This bond is part of a total authorized issue of $27,390.97 issued for the composition, retirement, and funding of the interest unpaid and past due on outstanding and legally binding bonds and notes of the City of Asheville, is issued in exchange for not less than a like par amount of outstanding and legally binding indebtedness of the City of Asheville, and does not constitute

new indebtedness or a novation of said outstanding indebtedness, but merely evidences an extension or renewal in a new form of said original indebtedness funded hereby, and is of like force and effect as to such indebtedness as if said original indebtedness had remained unfounded, it being hereby provided and recited that the holder of holders of this bond shall be subrogated to all of the rights and powers enjoyed by the holder of the indebtedness hereby funded, and that all contract rights as to security, remedy, power, obligation for payment, remedy and enforcement, enjoyed by the holder of said indebtedness in its original form have inured to and are enjoyed by the holders of said indebtedness as represented by this bond; that only such property in the City of Asheville as would be subject to taxation under the provisions of the laws and constitution of North Carolina which were in force at the time of the creation of the indebtedness, interest on which is funded hereby, shall be exempt from taxation to pay the interest on and principal of this bond as the same respectively become due, and that laws enacted since the creation of the indebtedness, interest on which is funded hereby, which are ineffective as to such indebtedness, are hereby declared to be similarly ineffective as to this bond.

This bond, together with the series of which it is a part, is issued under authority of and in full compliance with the Municipal Finance Act, 1921, as amended, the Local Government Act, and with the constitution and laws of the State of North Carolina, and in pursuance of ordinances, resolutions and proceedings of the Council of the City of Asheville duly and lawfully adopted, and taken, and it is hereby recited and certified that all acts, conditions and things required to be done precedent to and in the issuance of said bonds and of this bond, and of the indebtedness funded hereby, have been properly done, happened and been performed in regular and due form as required by law, and that the indebtedness funded hereby was a legally fundable, subsisting and legal obligation of said city; that neither the indebtedness funded hereby nor this bond, nor the series of which it is a part, together with all other indebtedness of said city, now exceeds or did at the time of the incurring of such indebtedness exceed any limitation prescribed by the constitution or statutes of the State of North Carolina, and that provision has been made for the levy and collection of ad valorem taxes upon all taxable property within said city without limitation as to rate or amount fully sufficient to provide for the payment of the principal of and interest on this bond as the same become due.

IN WITNESS WHEREOF, the City of Asheville, in the State of North Carolina, has caused this bond to be signed by its Mayor, City Manager and City Clerk, and the official seal of said city to be impressed hereon, and the annexed interest coupons to be executed with the facsimile signature of said City Clerk all as of the first day of July, 1936.

_____
Mayor

_____
City Manager

_____
City Clerk

(Form of Interest Coupon)

Number _____ $_____

On the first day of _____, 19____, unless the bond to which this coupon is attached has been sooner called for redemption, the City of Asheville, in the State of North Carolina, will pay to bearer at the St. Louis Union Trust Company, St. Louis, Missouri, the sum of _____ Dollars ($_____) in any coin or currency which is then legal tender for the payment of public or private debts, being six months' interest due that day on its Funding Bond, Series 2, dated July 1, 1936, and numbered _____.

_____
City Clerk

On the back of each of said funding bonds there shall be printed a certificate for the purpose of evidencing the approval of each bond by the Local Government Commission, which certificate shall be in substantially the following form:

"The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

W. E. Easterling, Secretary

Local Government Commission

By _____
Designated Assistant"

The said Funding Bonds in registered form, and the blanks to be endorsed thereon shall be in substantially the following fomr:

(Form of Bond)

UNITED STATES OF AMERICA

STATE OF NORTH CAROLINA

CITY OF ASHEVILLE

FUNDING BOND, SERIES 2.

Number _____ $_____

KNOW ALL MEN BY THESE PRESENTS, that the City of Asheville in the State of North Carolina hereby acknowledges itself to be indebted and promises to pay to _____, or registered assigns, the sum of _____ _____ Dollars ($_____) on the first day of July, 1961, with option of prior redemption as hereinafter provided, and to pay interest on said sum at the rate of one per cent (1%) per annum from the date hereof until this bond is paid, or called for redemption, said interest to be payable semi-annually on the first days of January and July of each year, which interest as it becomes due will be remitted to the registered owner by check or draft drawn upon the St. Louis Trust Company, St. Louis, Missouri. The principal of this bond is payable in any coin or currency which at the time of such payment is legal tender for the payment of public or private debts, at the St. Louis Union Trust Company, St. Louis, Missouri, and for the prompt payment of this bond and interest thereon as the same become due the full faith, credit and resources of said city are hereby irrebocably pledged.

This bond may be transferred on the Bond Register of the City of Asheville by the registered owner in pweson or by Attorney, upon presentation to the City Treasurer, as Bond Registrar, or such other Bond Registrar as may be legally appointed by said City, accompanied by delivery of a written instrument or transfer, in a form approved by such Bond Registrar, executed by the registered owner, notation of which transfer shall be endorsed hereon by said Bond Registrar.

This bond may be called for redemption prior to maturity on any interest payment date at par and accrued interest, pursuant to thirty days' notice of call to be published one time in a financial journal published and of general circulation in the Borough of Manhattan, in the City and State of New York, and sent by registered mail to the place of payment hereinabove specified, and to the registered holder of this bond.

This bond is part of a total authorized issue of $27,390.97 issued for the composition, retirement and funding of the interest unpaid and past due on outstanding and legally binding bonds and n otes of the City of Asheville is issued in exchange for not less than a like par amount of outstanding and legally binding indebtedness of the City of Asheville, and does not constitute new indebtedness or novation of said outstanding indebtedness, but merely evidences an extension or renewal in a new form of said original existing indebtedness funded hereby, and is of like force and effect as to obligation as if said original indebtedness had remained unfunded, it being expressly hereby provided and recited that the holder or holders of this bond shall be subrogated to all of the rights and powers enjoyed by the holders of the indebtedness hereby funded, and that all contract rights as to security, taxing power, obligation for payment, remedy and enforcement, enjoyed by the holders of said indebtedness in its original form have inured to and are and shall be enjoyed by the holders of said indebtedness as represented by this funding bond; that only such property in the City of Asheville as would be exempt from taxation under the provisions of the laws and constitution of North Carolina which were in force at the time of the creation of the indebtedness, interest on which is funded hereby, shall be exempt from taxation to pay the interest on and principal of this bond as the same respectively become due, and that laws enacted since the creation of the indebtedness, interest on which is founded hereby, which are ineffective as to such indebtedness, are hereby declared to be similarly ineffective as to this bond.

This bond, together with the series of which it is a part, is issued under authority of and in full compliance with the Municipal Finance Act, 1921, as amended, the Local Government Act, and with the constitution and laws of the State of North Carolina, and in pursuance of ordinances, resolutions and proceedings of the Council of the City of Asheville duly and legally adopted and taken, and it is hereby recited and certified that all acts, conditions and things required to be done precedent to and in the issuance of said bonds and of this bond and of the indebtedness funded hereby, have properly done, happened and been performed in regular and due form as required by law, and that the indebtedness funded hereby was a legally fundable, subsisting and legal obligation of said city; that neither the indebtedness funded hereby nor this bond, nor the series of which it is a part, together with all other indebtedness of said city, now exceed or did at the time of the incurring of such indebtedness exceed any limitation prescribed by the constitution or statutes of the State of North Carolina, and that provision has been made for the levy and collection of advalorem taxes upon all taxable property within said city without limitation as to rate or amount fully sufficient to provide for the payment of the principal of and interest on this bond as the same become due.

IN "ITNESS WHEREOF, the City of Asheville in the State of North Carolina has caused this bond to be signed by its Mayor, City Manager and City Clerk, and the official seal of said city to be impressed hereon, all as of the first day of July, 1936.

_____
Mayor

_____
City Manager

_____
City Clerk

(Form of Registration Certificate)

Name of Registered Holder	Date of Registration	Signature of Registrar

On the back of each of said funding bonds there shall be printed a certificate for the purpose of evidencing the approval of each bond by the Local Government Commission, which certificate shall be in substantially the following form:

"The issuance of the within bond has been approved under the provisions of the Local Government Act of North Carolina.

W. F. Easterling, Secretary
Local Government Commission

By _____
Designated Assistant"

Section 9. That, as required by Section 2959 of the Consolidated Statutes of North Carolina, for the payment of principal of and interest on the refunding and funding bonds herein authorized, there shall be annually levied by the governing body of the City of Asheville upon all taxable property in the city a special ad valorem tax without limitation as to rate or amount fully sufficient for such purpose.

It is hereby additionally agreed and convenanted (and this agreement is not to be construed as in diminution of the taxes required to be levied by the first paragraph of this section) that the minimum amount which shall be levied in each of the fiscal years 1938 to 1946, inclusive, shall be $14,000, and in each of the fiscal years 1947 to 1960, inclusive, shall be $16,000. Provided, however:

(a) If any of the refunding bonds herein authorized shall not be issued then the above minimum amounts may, at the option of the city, be reduced in any year by a percentage representing the proportion that the principal amount of such unissued refunding bonds bears to the entire principal amount of refunding bonds herein authorized.

(b) The above minimum amounts may also be reduced in any year by such amount as may in the preceding year have been paid from sources other than said tax levies into the Sinking Fund established for the payment of principal of and interest on the Refunding and Funding Bonds.

So long as the City of Asheville is not in default in the payment of any matured principal of or interest on the Refunding or Funding Bonds Series 2 herein authorized, the governing body shall not be obligated to make any larger levy for any fiscal year than the minimum amounts hereinabove prescribed; but if in any fiscal year there shall not be paid into the said Sinking Fund, from any and all sources a sum at least equal to eighty percent of the minimum levy required for such fiscal year, then the minimum levy for the next succeeding fiscal year shall be increased by an amount equal to one and one-fourth times such deficiency under the said eighty percent, and shall not be reduced as otherwise allowed under proviso (b) above.

If in the last fiscal year prior to the stated maturity of said refunding and Funding Bonds any part thereof shall remain outstanding and unpaid, it is understood and agreed that there shall be levied in such year a tax sufficient to pay at maturity the principal of said bonds so remaining outstanding.

Notwithstanding the foregoing provisions of this section, it is hereby provided that if the governing body of the city shall be advised by their attorneys that the tax herein required to be levied for the fiscal year 1938 cannot now be lawfully and properly levied, then the said governing body may elect to refrain from levying the aforesaid tax for the year 1938, whereupon all the foregoing provisions that refer to a levy for the fiscal year 1938 shall be void. In such case the requisite sums for payment of interest due and falling due upon the Refunding and Funding Bonds Series 2, up to and including July 1, 1939 shall be supplied and paid into the Sinking Fund by the said governing body from other sources than the taxes herein proposed and required to be levied.

It is further hereby agreed, covenanted and ordered that all taxes levied for the payment of principal of and interest on said Refunding Bonds and Funding Bonds will be required to be paid in money and that the city will from time to time make use of and strictly enforce any and every law provided by the General Assembly of North Carolina for the collection of such taxes, and that the proceeds of all taxes levied and collected for the payment of principal of and interest on said bonds will be paid over as collected into the Sinking Fund provided for in Section 10 hereof, to be used exclusively for the payment of the interest on and the retirement of said bonds.

Section 10. That the proceeds of all taxes levied for the payment of principal of and interest on said refunding bonds and funding bonds under the provisions of Section 9 hereof, together with all other sums available for such purpose, shall be placed in a special fund, as hereinabove provided, which fund shall be known as the "City of Asheville Refunding Bonds Series 2 Sinking Fund", and shall be deposited in a solvent bank or trust company designated by the Council of the City of Asheville, and shall be fully and continuously secured by the deposit of collateral consisting of securities which are the direct obligations of the United States of America or of the State of North Carolina having a par value at least equal to the amount at any time on deposit in said Sinking Fund.

The money in said Sinking Fund shall be used first for the payment of interest on said refunding bonds and funding bonds due in each year. At any time when there is in said Sinking Fund an amount larger than that needed for the payment of interest on said bonds which has fallen due, or which may fall due during the ensuing seven months, such surplus may be immediately applied to the purchase of Refunding Bonds and Funding Bonds issued pursuant to this plan and at the time outstanding, upon tenders at the lowest prices obtainable with reasonable diligence and not exceeding par and accrued interest. Not less than fifteen nor more than twenty days prior to the date fixed for receipt of such tenders, the governing body of the city, or the Board or Agency then administering such Sinking Fund, shall cause to be published in a financial newspaper published in the Borough of Manhattan, in the City and State of New York, and in a daily newspaper of general circulation published in the City of Asheville, North Carolina, a notice in the name of the City of Asheville inviting tenders of the Refunding Bonds and Funding Bonds, and naming the time and place in the City of Asheville at which such tenders are to be received. Such tenders shall be contained in plain, sealed envelopes marked "Tender of City of Asheville Refunding Bonds Series 2 (or Funding Bonds Series 2)", and shall be publicly opened at the time and place fixed in the notice inviting such tenders. Except in the case of mandatory tenders, hereinafter provided for, all tenders may be rejected if they are at prices not satisfactory to the Board. In consideration of tenders, tenders of Refunding Bonds and of Funding Bonds, shall be separately considered, and purchase of each class of bonds made at the lowest prices submitted for bonds of that class, provided that not more than one tenth of the surplus funds available at any one time may be expended for the purchase of Funding Bonds. If an amount equal to or in excess of $10,000 shall remain in such surplus fund for a period of ninety days, then the governing body of the city, or the board or agency then administering the Sinking Fund, shall promptly call for tenders in the manner above provided. Calls for tenders under such circumstances are hereinabove and hereinafter referred to as "mandatory calls".

If any tenders in response to such mandatory calls are received offering to sell bonds at not more than par and accrued interest, such tenders must be accepted up to an amount sufficient to reduce the surplus fund below the sum of $10,000. If tenders are not received in a sufficient amount to reduce the surplus fund below $10,000, then the amount in such surplus fund in excess of $10,000 shall be expended in the purchase of bonds which shall be called for redemption at the next interest payment date in pursuance of Section 3 and Section 5 hereof. All bonds purchased or redeemed thru the operation of the said fund, or otherwise paid or retired, shall be immediately cancelled and shall not be reissued.

The proceeds of all taxes levied for the payment of principal of and interest on the bonds herein authorized shall, as rapidly as collected and from day to day, be transferred to and deposited in the special fund herein provided, and shall be used solely for the purposes specified. No Refunding Bonds or Funding Bonds may be purchased or retired with the money available in said Sinking Fund while any bonds payable from such Sinking Fund are in default as to interest.

Section 11. That the holder or holders from time to time of the refunding bonds and funding bonds herein authorized are hereby, and shall be, subrogated to all the rights and powers of the holders of the indebtedness refunded and funded thereby, as authorized by Chapter 356, Public Laws of North Carolina, 1935.

Section 12. That the Council of the City of Asheville in behalf of the City of Asheville hereby covenants and agrees that while any of the bonds herein authorized are outstanding and unpaid said city will not, without the written consent of the holders of not less than seventy-five per cent (75%) in principal amount of such bonds then outstanding, avail itself of the provisions of Chapter 295 of the Public Laws of North Carolina, 1933, or of the provisions of any similar law now existing or hereafter enacted having for its purpose the impairment of any remedies for the enforcement or collection of said bonds which, except for the enactment of such laws, would be enjoyed by the holders of said bonds.

Section 13. That this ordinance is hereby declared to constitute and shall constitute a contract between the City of Asheville and the holders from time to time of the bonds herein authorized to be issued, which contract shall be enforceable either at law or in equity.

Section 14. That immediately after the final adoption of this ordinance, and before the issuance of the bonds herein authorized, the proper officers of the City of Asheville are hereby directed to file a certified copy of said ordinance and the proceedings had incident to its adoption with the Local Government Commission, and to request the approval of the Local Government Commission of the bonds herein authorized, and said officials are hereby authorized and instructed to furnish to said Commission such facts, information and exhibits as may be required by the Commission.

Section 15. That the Refunding Bonds and Funding Bonds herein authorized shall be prepared and executed as soon as may be after the final adoption of this ordinance, and promptly turned over to the State Treasurer of North Carolina to be by him delivered from time to time in exchange for the principal obligations refunded and the interest obligations funded thereby. At the time of such exchange the holder of any of the obligations shown on the lists in the preamble hereof shall surrender for cancellation the bonds or notes evidencing such obligations, together with all coupons pertaining thereto which shall not have been hitherto surrendered to the City of Asheville. That portion, if any, of the principal of such bonds or notes which is allocable to "Water Debt", as shown by the said lists, shall be exchanged for water bonds under the provisions of City Ordinance 237 above referred to; and that portion of the said interest coupons, or of any interest claims, properly allocable to Water Debt shall be surrendered or extinguished in consideration of the cash composition now in the hands of the Local Government Commission for such purpose. The remaining portion of the principal of such bonds or notes which is allocable to general indebtedness as shown by the said lists shall be exchanged par for par for the Refunding Bonds Series 2 herein authorized; and that portion of the said interest coupons, or of any interest claims, properly allocable to general indebtedness shall be surrendered or extinguished in consideration of Funding Bonds Series 2 in a face amount equalling 10% of the principal amount of what portion of the surrendered bonds or notes which has been allocated to general indebtedness; provided, that if any amount shall have been previously paid to any holder of any such surrendered bonds in partial or complete payment of interest claims accruing thereon since [illegible], the portion of such payment which is allocable to general indebtedness shall be deducted from the face amount of the Funding Bonds to be so delivered.

The delivery of such Funding Bonds shall operate as a full payment and settlement of all claims for interest based upon the obligations exchanged, which accrued up to and including July 1, 1936. To the extent that such interest is represented by interest coupons falling due on or prior to July 1, 1936 such coupons must be surrendered and cancelled simultaneously with the delivery of the Funding Bonds. In the event that any part of the bonds or notes or the interest herein authorized to be refunded or funded shall have been reduced to judgment prior to the making of such exchange and such bonds or notes or interest merged in such judgment, said bonds or notes or interest may nevertheless be refunded or funded as herein provided in all respects as though they had not been reduced to judgment, upon delivery to the Local Government Commission of a receipt or release from the judgment creditor, or if the said judgment shall include obligations in addition to the obligations enumerated in the lists above referred to, then upon delivery of a receipt or release covering the proper proportionate part of such judgment, all in accordance with the privisions of Section 25 of the Local Government Act.

Section 16. Nothing herein shall be construed to prevent the transfer of the custody and management of the Sinking Fund to be established hereunder to any public board or agency created or provided for by any law heretofore or hereafter enacted by the General Assembly of the State of North Carolina.

Section 17. That if any clause, section, paragraph, or provision of this ordinance shall be declared unenforceable by any court of competent jursidiction such holding shall not affect or invalidate the remainder hereof.

Section 18. That all resolutions and ordinances and parts thereof in conflict herewith be and the same are hereby, to the extent of such conflict, repealed, and this ordinance shall be in full force and effect immediately upon its passage.

I move the adoption of the foregoing ordinance, this 19 day of January, 1939.

Eugene Carland
Councilman

SECONDED BY: H. G. Etheridge
Councilman

Rules suspended and immediately put upon its second and third passage and adopted and declared to be an ordinance of the City of Asheville.

Read, approved and adopted, this 19 day of January, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL

Published in the Asheville Times
19 day of January, 1939.

The meeting, upon motion duly seconded, recessed. The meeting convened, and upon motion, duly seconded, adjourned.

Mayor. Holmes Bryson. Glenn Morris City Clerk

January 26, 1939--4:30 P. M.

The City Council met in regular session, Thursday, January 26, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen Eugene Carland, J. F. Livelbiss, Jr., H. G. Etheridge, L. Lyons Lee, O. E. Starnes, Mayor Holmes Bryson, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

The City Manager read the following resolution, entitled,"Resolution Requesting Local Government Commission to Return Funds Now in Hands of Local Government Commission to City of Asheville" which was upon motion of Councilman Carland, seconded by Councilman Starnes, unanimously passed.

RESOLUTION REQUESTING LOCAL GOVERNMENT COMMISSION TO RETURN FUNDS NOW IN HANDS OF LOCAL GOVERNMENT COMMISSION TO CITY OF ASHEVILLE

WHEREAS, pursuant to the debt settlement of July 1, 1936 the City of Asheville deposited funds with the State Treasurer of North Carolina to be used in payment of composition of interest due upon outstanding bonds when and as exchanged; and there now remains unexpended of the sum originally deposited

For payment of composition on Water Debt	$3,876.65
For payment of composition on General Debt	2,512.61
	$6,389.26

WHEREAS, pursuant to Ordinances 255 and 256 new provision has been made for payment of composition of interest upon exchange of bonds representing General Debt;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the State Treasurer and the Local Government Commission be requested to refund to the City of Asheville from the funds above described the amount of $2,512.61.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: O. E. Starnes
COUNCILMAN

Read, approved and adopted, this 26 day of January, 1939.

Holmes Bryson
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution appointing a Municipal Board of Elections for a period of two years, and requesting the Legislature of the State of North Carolina to Ratify same, was upon motion of Councilman Lee, seconded by Councilman Etheridge, unanimously passed, and each Legislator was furnished with a copy of same.

RESOLUTION APPOINTING A MUNICIPAL BOARD OF ELECTIONS FOR A PERIOD OF TWO YEARS AND REQUESTING THE LEGISLATURE OF THE STATE OF NORTH CAROLINA TO RATIFY SAME

WHEREAS, a municipal primary is to be held in the City of Asheville on the third Tuesday in April for the purpose of nominating seven Councilmen, whose terms of office are fixed by law, to constitute the governing body of the City of Asheville, a Judge of the City Police Court and a Solicitor of the City Police Court, whose terms of office are fixed by law; and

WHEREAS, on the second Tuesday in May following the above mentioned municipal primary there is to be held a general municipal election; and

WHEREAS, the City Council of the City of Asheville is authorized under Chapter 30 of the Public-Local and Private Laws of 1925 to name said Election Board to conduct said primary and general election; and

WHEREAS, the City Council of the City of Asheville is desirous of having the General Assembly of North Carolina ratify the appointment herein made;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That Silas G. Bernard, C. Fred Brown be and they are hereby appointed as members of the Election Board of the City of Asheville to conduct the coming primary and general election as representatives of the majority political party, and that Charles F. Crow be and he is hereby appointed to represent the minority party, the above mentioned citizens of the City of Asheville to constitute the Municipal Board of Elections for the next two years.

BE IT FURTHER RESOLVED that the Clerk of the City of Asheville is hereby directed to transfer a certified copy of this resolution to Senator Zeb F. Curtis and Representatives R. E. Finch and Hubert C. Jarvis, representing Buncombe County in the General Assembly, with a request attached thereto that they ratify the action taken by the City Council of the City of Asheville in this resolution.

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted, this 26 day of January, 1939.

Holmes Bryson
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

The meeting was upon motion, adjourned.

Mayor Holmes Bryson Glenn Morris City Clerk

Thursday, February 2, 1939--4:30 P. M.

The City Council met in regular session, Thursday, February 2, 1939 at 4:30 P. M. with Mayor Bryson presiding. Present: Vice-Mayor L. Lyons Lee, Councilmen H. G. Etheridge, C. B. Bamford, Eugene Carland, O. E. Starnes, Mayor Holmes Bryson,&Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Invitation was read to the City Council to visit the Adult Education Work Shop Center on Friday, February 3, 1939 in the City Hall.

Resolution authorizing the Mayor to execute lease to C. N. Wrenshall for strip of land set aside for sidewalk purposes, which is now being kept up by him, for a period of forty-nine years, with the proviso that in case the city for any purpose whatsoever wishes the use of this land, then the lease shall be null and void. This property is located at the corner of Edwin Place and Celia Place. Resolution was moved by Councilman Bamford, seconded by Councilman Lee, and unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE TO C. N. WRENSHALL

WHEREAS, certain property described in the lease attached hereto has been set aside for a sidewalk by the City of Asheville, and the F. W. Grove estate; and

WHEREAS, C. N. Wrenshall has been keeping up the said property for a number of years; and

WHEREAS, the City of Asheville is now in possession of said property, and on ten days notice, as provided, in said lease, can build said sidewalk;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor be and he is hereby authorized to execute a lease to C. N. Wrenshall for the property described in the lease hereto attached said lease to be in force for a period of forty-nine years upon the terms and conditions therein set out.

I move the adoption of the foregoing resolution.

C. B. Bamford
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 2nd day of February, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing Mayor to execute Quit-Claim Deeds was upon motion of Councilman Lee, seconded by Councilman Etheridge, unanimously passed as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the years 1927 and 1928; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey

to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MADE TO
2524 (1928) 6910 (1927) 82 (1928)	O. T. Hutchison	71	8	6	Thomas J. Davis
	Emma Fair	91½	5	1	Maria F. Durham

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

SECONDED BY: H. G. Etheridge
COUNCILMAN

Read, approved and adopted this 2 day of February, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Mr. George Pennell, Attorney, presented claim of Mrs. Rosa Hursch for alleged personal injuries in the amount of $5,000, which was referred to the Corporation Counsel and City Manager.

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE.

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA.

The undersigned pursuant to the requirements of the Charter of the City of Asheville hereby gives notice to you of personal injury to the undersigned and claim for damages and notification that she intends to institute an action for damages as follows:

1.

The date of infliction of injury to the undersigned was January 14, 1939.

2.

The place of happening or infliction of such injury was on the North sidewalk of Woodfin Street between the intersection of Liberty Street and Central Avenue.

3.

The manner of such infliction that the City had negligently allowed and permitted a hole or defect in said sidewalk in which your claimant fell at night time, and said City failed to barricade or properly notify your claimant or other pedestrians of such defective condition.

4.

The character of the injury was that plaintiff fell seriously injuring her limbs and other portions of her body inflicting permanent injuries from which she is now suffering and will continue to suffer.

5.

The amount of damages claimed therefor is Five Thousand Dollars ($5,000.00).

You are further notified that if you decline to pay or settle the same as presented or for ten days after such presentation neglect to enter or cause to be entered upon your minutes your determination in regard thereto the undersigned will institute an action against you in a Court of proper jurisdiction.

Respectfully submitted,

Mrs. Rosa Hursch
123½ Biltmore Ave., Asheville, N. C.

Mayor Bryson announced that the City of Asheville now had some 900 or 1,000 pieces of vacant property on its books, which he would like to see cultivated, and believed that these pieces of property could be let out to WPA workers to raise vegetables, and thus relieve the City of the expense of furnishing food to these families. Mayor Bryson asked the Council to study the proposal.

Mayor Bryson appointed Vice-Mayor L. Lyons Lee, and Councilman Etheridge as a committee to furnish material for the corner stone of the New Auditorium.

The meeting was upon motion, adjourned.

Mayor. L. Lyons Bryson. Glenn Morris City Clerk

Thursday, February 9, 1939--4:30 P. M.

The City Council met in regular session Thursday, February 9, 1939 at 4:30 P. M. with Vice-Mayor Lee presiding. Present: Councilmen H. G. Etheridge, C. B. Bamford, Eugene Carland, J. E. Divelbiss, Jr., Vice-Mayor L. Lyons Lee, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Ordinance No. 257, an Ordinance entitled, AN ORDINANCE TO AMEND TWO SECTIONS OF ORDINANCE # 256 ENTITLED "An ordinance supplementing Ordinance #255 entitled 'An ordinance authorizing the issuance of $273,909.75 Refunding Bonds, Series 2 and $27,390.97 Funding Bonds, Series 2, of the City of Asheville, prescribing the details thereof, providing for the payment thereof, making certain provisions with respect to said bonds, and declaring an emergency', fixing in detail the provisions of said bonds, and declaring an emergency for the peace, property, health, and safety of the citizens of the City of Asheville", AND DECLARING AN EMERGENCY FOR THE PEACE, PROPERTY, HEALTH, AND SAFETY OF THE CITIZENS OF THE CITY OF ASHEVILLE, was introduced by Corporation Counsel Philip C. Cocke, Jr., and was read in full as follows:

ORDINANCE NO. 257

AN ORDINANCE TO AMEND TWO SECTIONS OF ORDINANCE # 256 ENTITLED "An ordinance supplementing Ordinance Number 255 entitled 'An ordinance $27,390.97 Funding Bonds, Series 2, of the City of Asheville, prescribing the details thereof, providing for the payment thereof, making certain provisions with respect to said bonds, and declaring an emergency', fixing in detail the provisions of said bonds, and declaring an emergency for the peace, property, health, and safety of the citizens of the City of Asheville", AND DECLARING AN EMERGENCY FOR THE PEACE, PROPERTY, HEALTH, AND SAFETY OF THE CITIZENS OF THE CITY OF ASHEVILLE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ASHEVILLE

Section 1. That Section 3 and Section 5 of the above entitled ordinance number 256 be repealed and the following be substututed in lieu thereof:

Section 3. That the Refunding Bonds shall be dated July 1, 1936. They shall be issued in coupon form in the denominations of One Thousand Dollars ($1,000), Five Hundred Dollars ($500), and Two Hundred Fifty Dollars ($250), and in registered form in such amounts less than $250 as may be determined by the City

Accountant to be necessary in order to permit delivery to the holder of any of the outstanding obligations to be refunded hereunder the amount due under the provisions hereof. Said bonds in coupon form of the denomination of $1,000 shall be numbered from A-1 upwards, said bonds in the denomination of $500 shall be numbered from B-1 upwards, said bonds of the denomination of $250 shall be numbered from C-1 upwards, and said registered bonds shall be numbered from D-1 upwards. All of the Refunding Bonds shall become due July 1, 1961. It is hereby by determined and declared, as required by Section 2942 of the Consolidated Statutes, that the shortest period in which the debt to be refunded pursuant to this ordinance can be finally paid without making it unduly burdensome upon the taxpayers of the City of Asheville is twenty-five years, computed from July 1, 1936. They shall bear interest at the rate of one per cent (1%) per annum from date to and including June 30, 1939, one and one-quarter per cent (1¼%) per annum from July 1, 1939 to and including June 30, 1941, one and one-half per cent (1½%) per annum from July 1, 1941 to and including June 30, 1946, two and one-half per cent (2½%) per annum from July 1, 1946 to and including June 30, 1951, three and one-quarter per cent (3¼%) per annum from July 1, 1951 to and including June 30, 1956, and four per cent (4%) per annum from July 1, 1956 until paid. Interest on all of said bonds shall be payable semi-annually on January 1st and July 1st of each year. Interest on said coupon bonds accruing prior to maturity of said bonds shall be represented by appropriate interest coupons to be attached thereto. Interest on the said registered bonds shall be remitted to the registered owner by check or draft drawn upon the St. Louis Union Trust Company, Lt. Louis, Missouri. Principal of and interest on the said coupon bonds, and the principal of the said registered bonds shall be payable at the St. Louis Union Trust Company, St. Louis, Missouri, in any coin or currency which at the time of payment is legal tender for the payment of public or private debts. All of said Refunding Bonds shall be redeemable at the option of the city on any interest payment date prior to maturity, pursuant to thirty days' notice to be published at once in a financial journal published in the Borough of Manhattan, City and State of New York, and to notice to be sent by registered mail, not less than thirty days' prior to the date fixed for redemption, to the place of payment, and to the registered owner, if the bonds be registered. If less than all of said Refunding Bonds are called for payment on any interest payment date, the bonds to be so called shall be chosen by lot. Each of said Refunding Bonds shall be signed by the Mayor, City Manager and City Clerk and the corporate seal of the said City shall be impressed thereon. Interest coupons to be attached to the said bonds in coupon form shall be executed with the facsimile signature of the City Clerk, who shall by execution of said bonds adopt as and for his own proper signature his facsimile signature appearing on said coupons.

Section 5. That the Funding Bonds to be issued hereunder shall be dated July 1, 1936. They shall be issued in coupon form in the denominations of Five Hundred Dollars ($500), Two Hundred Fifty Dollars ($250), and One Hundred Dollars ($100), and in registered form in such amounts less than one hundred dollars as may be determined by the City Accountant to be necessary in order to permit the delivery to the holder of any of the outstanding obligations to be funded hereunder the amount due under the provisions of this ordinance. Said bonds in coupon form of the denomination of Five Hundred Dollars ($500) shall be numbered from I-1 upwards; said bonds in the denomination of Two Hundred and Fifty Dollars (250) shall be numbered from K-1 upwards; said bonds in the denomination of One Hundred Dollars ($100) shall be numbered from L-1 upwards; and said registered bonds shall be numbered from LR-1 upwards. All of said bonds shall become due July 1, 1961. It is hereby determined and declared, as required by Section 2942 of the Consolidated Statutes, that the shortest period in which the debt to be refunded pursuant to this ordinance can be finally paid without making it unduly burdensome upon the taxpayer of the City of Asheville is twenty-five years, computed from July 1, 1936. They shall bear interest at the rate of one per cent (1%) per annum, payable semi-annually on January 1st and July 1st of each year. Interest on said Coupon bonds accruing prior to the maturity of said bonds shall be represented by appropriate interest coupons to be attached thereto. Interest on the said registered bonds shall be remitted to the registered owner by check or draft drawn upon the St. Louis Union Trust Company, St. Louis, Missouri. Principal of and interest on the said coupon bonds and the principal of said registered bonds shall be payable at St. Louis Union Trust Company, St. Louis, Missouri in any coin or currency which at the time of payment is legal tender for the payment of public or private debts. All of said Funding Bonds shall be redeemable at the option of the city on any interest payment date prior to maturity, pursuant to thirty days' notice to be published once in a financial journal published and of general circulation in the Borough of Manhattan, City and State of New York, and to notice to be sent by registered mail not less than thirty days prior to the date fixed for redemption to the place of payment and to the registered owner if the bonds be registered. If less than all of said funding bonds are called for payment on any interest payment date, the bonds to be so called shall be chosen by lot. Each of said funding bonds shall be signed by the Mayor, City Manager and City Clerk, and the corporate seal of said city shall be impressed thereon. Interest coupons to be thereto attached shall be executed with the facsimile signature of the City Clerk, who shall by the execution of said bonds adopt as and for his own proper signature his facsimile signature appearing on said coupons.

Section 2. That this ordinance shall be in full force and effect immediately upon its adoption and shall not be submitted to the voters of the City, it being hereby declared to be necessary and essential to the restoration of the fiscal credit of the City of Asheville and to the immediate preservatio n of the peace, property, health and safety of the city that this ordinance take effect immediately upon its passage.

I move the adoption of the foregoing ordinance this 9th day of February, 1939.

Eugene Carland
Council

Seconded by: H. G. Etheridge
Council

Rules suspended and immediately put upon its second and third readings and adopted and declared to be an ordinance of the City of Asheville this 9th day of February 1939.

L. Lyons Lee
Vice-Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
Corporation Counsel

It was moved by Councilman Carland, seconded by Councilman Etheridge that the requirements of the City Charter that ordinances be read on three separate days be dispensed with in this instance and said motion was carried by a vote of not less than two-thirds of the members of the Council, to-wit:

Aye: Councilman Carland — Councilman Lee
" Bamford — " Etheridge
" Divelbiss

Nay: None

Said ordinance was thereupon given due consideration and pursuant to motion made by Councilman Carland, seconded by Councilman Etheridge was adopted on final passage by the following vote:

Aye: Councilman Carland — Councilman Lee
" Bamford — " Etheridge
" Divelbiss

Nay: None

Section 2 of said ordinance, being the section providing that said ordinance is an emergency measure and shall be given immediate effect, was thereupon separately submitted to the vote of the Council, and it was moved by Councilman Carland, seconded by Councilman Etheridge that said ordinance be given immediate effect and adopted as an emergency measure. Said motion was carried by a vote of not less than two-thirds of the members of the Council, to-wit:

Aye: Councilman Carland — Councilman Lee
" Bamford — " Etheridge
" Divelbiss

Nay: None

Thereupon said ordinance was signed by the Mayor and Clerk, approved as to correctness and form by the Corporation Counsel, numbered 257, and declared to be in full force and effect.

[illegible]

Mr. Don C. Young, Attorney, presented the following claim of Mrs. Ethel Craig for alleged personal injuries in the sum of $1,000.00, which was referred to the Corporation Counsel.

Asheville, N. C. February 9, 1939.

The Honorable Mayor, City Manager and Council of the City of Asheville:

The undersigned, Mrs. Ethel Craig, residing at Zephyr Hill Sanitarium, Asheville, North Carolina, by and through her attorney Don C. Young, hereby files claim against the City of Asheville for personal injuries and injuries to her automobile sustained by her at the time, place and manner hereinafter set out, to-wit:

1. Date. Claimant and her automobile were injured on the 29th day of January, 1939, at about 8 o'clock P. M.

2. Place. Claimant and her property were injured on Balsam Avenue, a residential street of the City of Asheville.

3. Manner of injury infliction. That the said Balsam Avenue is what is known as a dead end street and No. 53 Balsam Avenue is the last house on the East side of said street at or near the end thereof; that people using said street of necessity when the come to the end thereof turn around and the said City of Asheville has provided therein a turn way at the end of said street; that on or about the date above mentioned the City of Asheville was doing certain

grading and construction work on said Balsam Avenue and in preparing the drainage system thereof had dug a large deep hole in the street at or near the last curb thereof and near said turnway; that claimant drove down said street on the East side thereof and had pulled over close to the curb for the purpose of turning her car around in said street when said car ran into said large and exposed hole in said street resulting in the injury and damage to the car and claimant as hereinafter set out; that the employees of said City had been working on said street on said drainage hole on the Saturday before said date, and had left the same without any lights, barriers or other warning devices and it was impossible for claimant to see same at said time; that at said time it was raining very hard and because of the circumstances and location of said hole it was impossible for claimant to see the same.

4. Character of injury. That when said automobile ran into said exposed and open hole claimant was suddenly thrown against said automobile and was bruised, and portions of her clothing torn and damaged, and her hand severly [illegible] and she was otherwise bruised and injured in other parts of her body from which she has suffered much pain, inconvenience and loss of time, and her automobile was injured and damaged when it fell in said hole and could not be taken therefrom without securing the services of a wrecker.

5. Amount of damages claimed. That as a result of the negligence of said City the automobile of claimant was damaged in the sum of $25.00 and she was personally injured in the sum of $1000.00, for which this claimant now makes claim for restitution against the City of Asheville.

Respectfully submitted, this the day and year first above written.

Mrs. Ethel Craig
Claimant.

Don C. Young, Attorney for Claimant

The meeting was upon motion duly made and seconded, adjourned.

L. Lyons Lee
Vice-Mayor

Glenn Morris
City Clerk

Thursday, February 16, 1939--4:30 P. M.

The City Council met in regular session Thursday, February 16, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. F. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, C. R. Bamford, Eugene Carland, and O. E. Starnes, Minutes of the previous meeting were read and approved.

[illegible]

The Kiffin Rockwell Post of the American Legion has asked that they be allowed the use of the new Auditorium-Convention hall immediately following the opening of the building. Mayor Bryson appointed Councilman J. F. Divelbiss, Jr. and Councilman O. E. Starnes to work with the City Manager on this request.

[illegible]

Councilman Carland and Councilman L. Lyons Lee were appointed as a committee to work with the City Manager on the project of widening Charlotte Street from Woodfin Street; objections being raised by one property owners on this street, to giving sidewalk frontage.

Mayor Bryson stated that the plans to use vacant lots for gardening purposes had met with general approval and plans were being formulated to make city vacant lots available for this purpose.

The meeting was upon motion, adjourned.

Mayor. Edwin Bryson.

Glenn Morris
City Clerk.

Thursday, February 23, 1939--4:30 P. M.

The City Council met in regular session Thursday, February 23, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen H. G. Etheridge, J. E. Divelbiss, Jr., O. E. Starnes, C. B. Bamford, L. Lyons Lee, Mayor Holmes Bryson, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Councilman J. E. Divelbiss, Jr. and Councilman C. B. Bamford compose a committee, which committee made the following suggestion to the Council: That since work has commenced on the Auditorium, citizens would want to watch the progress of the contractor, and suggested that a fence be built in front of the building, for protection and for spectators to lean on. Councilman Divelbiss also said that the Council would appreciate constructive suggestions from interested citizens as the work progresses.

Mr. Sanford Brown, Attorney filed claim for Louise V. Trefzer in the sum of $ 5,000 which was referred to the Corporation Counsel and City Manager.

NORTH CAROLINA
BUNCOMBE COUNTY

LOUISE VIRGINIA TREFZER :
:
v. :
:
CITY OF ASHEVILLE, :
Defendant :

BEFORE THE CITY MANAGER, MAYOR AND COUNCIL OF THE CITY OF ASHEVILLE.

NOTICE OF CLAIM

LOUISE VIRGINIA TREFZER, claimant above named, hereby gives notice and makes claim as follows:

1.

That the claimant is of age and resides at 965 Merrimon Avenue, in the City of Asheville, County of Buncombe, State of North Carolina.

2.

That the claimant was injured and damaged about 9:30 P. M., on the 6th day of January, 1939, from falling in an unlighted and unguarded hole created by the City of Asheville in the construction of a storm sewer entrance in its sidewalk along the west side of the property of the claimant's aforementioned place of residence and long the east side of that street known as Beaverdam Road, in the City of Asheville, aforenamed County and State, at a place in said sidewalk immediately south of the claimant's garage on said property and a short distance north of the intersection of said Beaverdam Road with Merrimon Avenue.

3.

That the nature of the injuries sustained by the claimant on the aforestated occasion were a fractured or dislocated bone in her right foot, torn and bruised ligaments in right foot and ankle, bruised and lacerated right leg and hip, strained back, and internal injury to kidneys, sprained, bruised and lacerated left hand, and other injuries externally and internally to other portions of her body, all of which have completely disabled the claimant and made it necessary for her to be treated by physicians for same.

4.

That by reason of the pain and suffering, loss of time, and expense incurred in the form of doctors bills, nurses bills, medicine bills, and other care resulting from the aforestated injuries sustained by the claimant, the claimant hereby makes claim against the City of Asheville in the amount of Five Thousand ($5,000.00) Dollars.

Submitted this the 23rd day of February, 1939.

Sanford Brown
Attorney for Claimant

NORTH CAROLINA
BUNCOMBE COUNTY.

LOUISE VIRGINIA TREFZER, being first duly sworn, deposes and says: That she is the claimant in the above entitled Notice; that she has read or heard read the same and knows the contents thereof; that the same is true of her own knowledge except as to those matters and things therein stated upon information and belief, and as to such matters and things she believes it to be true.

Mrs. Louise Virginia Trefzer

SWORN to and subscribed before me this 23rd day of February, 1939.

Carolina Green, Notary Public.

There being no further business, the meeting was upon motion, adjourned.

Mayor. Holmes Bryson Glenn Morris
City Clerk

Thursday, March 2, 1939--4:30 P. M.

The City Council met in regular session Thursday, March 2, 1939-- at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, L. Lyons Lee, O. E. Starnes, Mayor Holmes Bryson, City Manager P. M. Burdette, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Mr. B. B. Worsham, Attorney, presented application for pool room to be located at 72 N. Lexington Avenue by his client B. C. Moore. This request was referred to the City Manager and Corporation Counsel.

Resolution authorizing Mayor to execute lease with Arthur Gentry for property owned by the City of Asheville, located at Bingham Heights, was unanimously passed.

RESOLUTION AUTHORIZING MAYOR TO EXECUTE LEASE WITH ARTHUR GENTRY FOR PROPERTY OWNED BY THE CITY OF ASHEVILLE

WHEREAS, the City of Asheville has received an offer from one Arthur Gentry to lease The Pearson tract of land from the city for certain consideration; and

WHEREAS, the City of Asheville deems it advisable to lease this land for a period of five years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and directed to enter into a lease for five years with Arthur Gentry for the land owned by the City of Asheville and described in the lease attached hereto, said lease being made a part of this resolution.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
Councilman

Seconded by: H. G. Etheridge
Councilman

Read, approved and adopted this 2nd day of March, 1939.

Holmes Bryson
MAYOR

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.,
CORPORATION COUNSEL.

The meeting was upon motion, adjourned.

Mayor Holmes Bryson Glenn Morris
City Clerk.

Thursday, March 9, 1939--4:30 P. M.

The City Council met in regular session Thursday, March 9, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, O. E. Starnes & Mayor Holmes Bryson. Minutes of the previous meeting were read and approved.

Request was read for a street light at Indiana Avenue and Michigan Avenue. This was referred to the City Manager.

Letter was read from Miss Mary Pascal of the W.P.A., stating that labor could be furnished for Garden projects. This was referred to the City Manager and Mr. Henry Ramsey. This project would be in connection with the City Lunch room program.

Mayor Bryson announced that the Mayor of Charlotte, Mr. Ben Douglas, had asked members of the City Council to broadcast about the Asheville City government over the Charlotte station on March 17. Mayor Bryson appointed Councilman Etheridge to work up data for a broadcast.

Mr. Don C. Young, Attorney, presented claim of Georgia Setzer in the sum of $10,000, which claim was referred to the Corporation Counsel and City Manager.

The Honorable Mayor, City Manager and Council of the City of Asheville:

The undersigned, Georgia Setzer, residing at 12 Swannanoa Ave., Asheville, North Carolina, by and through her attorney, Don C. Young, hereby files claim against the City of Asheville for personal injuries sustained by the said Georgia Setzer, at the time, place and manner hereinafter set out, to-wit:

1. Date. Claimant was injured on the 24th day of December, 1938, at about 3:00 o'clock P. M.

2. Place. Claimant was injured on the Western sidewalk of Rankin Avenue in front of the Asheville Laundry.

3. Manner of injury infliction. On said date at about 3 o'clock P.M. claimant was walking on said sidewalk in a Northern direction, in company with some other people, when her right foot sudenly and unexpectedly stuck an iron or steel projection up through the cement of said sidewalk and from the impact thereof she was thrown with great force and violence onto the sidewalk resulting in serious and permanent injuries as hereinafter shown; that said steel or iron projection is solidly fastened into the concrete of said sidewalk and forms a ring or loop projecting above the level of the sidewalk about two inches and about the same distance across; that since said iron or steel ring or projection has been located in said sidewalk, the sidewalk has been repaired by making adjacent thereto a new concrete curb and spreading a layer of concrete on said sidewalk in and around said iron or steel projection, and in placing said concrete thereon part of the cement was so located as to prevent a proper observance thereof to a pedestrain walking upon said street; that said iron or steel projection was located in the traveled part of said sidewalk commonly used by pedestrains and had been there for a great many months, within the business district of the City of Asheville and the said City had actual or constructive knowledge thereof; that the said City has been careless and negligent in permitting said steel or iron projection to continue in said sidewalk, and failed to keep said sidewalk in a reasonable state of repair and free from obstructions.

4. Character of injury. That when claimant's right foot struck said solid iron or steel projection she was violently thrown to the cement sidewalk and she struck the same with such force that her left shoulder was seriously strained, bruised and permanently injured, several bruised and contusions of her arms, legs, and other parts of her body and severe cuts, bruises, and contusions on her lips, face and other parts of her body, which has required her to be under the care of a physician since said date and has prevented her from carrying on her usual work; that said injuries received on said occasion are both serious and permenent.

5. Amount of damages claimed: That because of the negligence of the City as aforesaid, claimant has been damaged in at least the sum of $10,000.00, for which this claimant now makes claim for restitution against the City of Asheville.

Respectfully submitted, this the 9th day of March, 1939.

Georgia Setzer

By Don C. Young
Attorney for Claimant.

The meeting was upon motion, adjourned.

Mayor Holmes Bryson. Glenn Morris City Clerk

Thursday, March 9, 1939--4:30 P.M.

The City Council met in regular session Thursday, March 9, 1939 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., H. G. Etheridge, C. B. Bamford, L. Lyons Lee, O. E. Starnes, Eugene Cleland, Mayor Holmes Bryson, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Mayor Bryson announced that he and a party consisting of Councilman H. G. Etheridge, C. Vanderhooven and A. N. Barnett would go to Charlotte on the 17th of March for a broadcast over Station WBT at 7:15 to 7:30 o'clock. He also said that the Charlotte officials had been invited to come to Asheville for a broadcast.

Resolution authorizing Director of Finance to execute lease to Patriots, Inc. was unanimously passed, as follows:

RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO EXECUTE LEASE TO PATRIOTS, INCORPORATED

WHEREAS, the lease to the Patriots, Incorporated for the baseball park having expired; and

WHEREAS, the City Council and the Patriots, Incorporated are desirous of renewing said lease and continuing baseball in the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Director of Finance is hereby authorized to execute a lease to the Patriots, Incorporated for a period of one year, and that said lease is attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

J. E. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 17 day of March, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

A resolution extending the date of completion for the excavation work incidental to the construction of the Asheville Auditorium Convention Hall under contract with Norman S. Hildebrand was unanimously passed.

A RESOLUTION EXTENDING THE DATE OF COMPLETION FOR THE EXCAVATION WORK INCIDENTAL TO THE CONSTRUCTION OF THE ASHEVILLE AUDITORIUM CONVENTION HALL UNDER CONTRACT WITH NORMAN S. HILDEBRAND

WHEREAS, this Council is advised that it is the recommendation of the architect, Lindsey M. Gudger, that it is to the best interest of the Asheville Auditorium Convention Hall to extend the time of completion of the excavation contract; and

WHEREAS, this Council has fully considered this recommendation and finds that it is to the best interest of the City of Asheville to extend the time of completion of such contract;

Thursday, March 9, 1939--4:30 P. M.

The City Council met in regular session Thursday, March 9, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. F. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, O. E. Starnes & Mayor Holmes Bryson. Minutes of the previous meeting were read and approved.

Request was read for a street light at Indiana Avenue and Michigan Avenue. This was referred to the City Manager.

Letter was read from Miss Mary Pascal of the W.P.A., stating that labor could be furnished for Garden projects. This was referred to the City Manager and Mr. Henry Gudger. This project would be in connection with the City Lunch room program.

Mayor Bryson announced that the Mayor of Charlotte, Mr. Ben Douglas, had asked members of the City Council to broadcast about the Asheville City government over the Charlotte station on March 17. Mayor Bryson appointed Councilman Etheridge to work up data for a broadcast.

Mr. Don C. Young, Attorney, presented claim of Georgia Setzer in the sum of $10,000, which claim was referred to the Corporation Counsel and City Manager.

The Honorable Mayor, City Manager and Council of the City of Asheville:

The undersigned, Georgia Setzer, residing at 12 Swannanoa Ave., Asheville, North Carolina, by and through her attorney, Don C. Young, hereby files claim against the City of Asheville for personal injuries sustained by the said Georgia Setzer, at the time, place and manner hereinafter set out, to-wit:

1. Date. Claimant was injured on the 24th day of December, 1938, at about 3:00 o'clock P. M.

2. Place. Claimant was injured on the Western sidewalk of Rankin Avenue in front of the Asheville Laundry.

3. Manner of injury infliction. On said date at about 3 o'clock P.M. claimant was walking on said sidewalk in a Northern direction, in company with some other people, when her right foot sudenly and unexpectedly stuck an iron or steel projection up through the cement of said sidewalk and from the impact thereof she was thrown with great force and violence onto the sidewalk resulting in serious and permenent injuries as hereinafter shown; that said steel or iron projection is solidly fastened into the concrete of said sidewalk and forms a ring or loop projecting above the level of the sidewalk about two inches and about the same distance across; that since said iron or steel ring or projection has been located in said sidewalk, the sidewalk has been repaired by making adjacent thereto a new concrete curb and spreading a layer of concrete on said sidewalk in and around said iron or steel projection, and in placing said concrete thereon part of the cement was so located as to prevent a proper observance thereof to a pedestrain walking upon said street; that said iron or steel projection was located in the traveled part of said sidewalk commonly used by pedestrains and had been there for a great many months, within the business district of the City of Asheville and the said City had actual or constructive knowledge thereof; that the said City has been careless and negligent in permitting said steel or iron projection to continue in said sidewalk, and failed to keep said sidewalk in a reasonable state of repair and free from obstructions.

4. Character of injury. That when claimant's right foot struck said solid iron or steel projection she was violently thrown to the cement sidewalk and she struck the same with such force that her left shoulder was seriously strained, bruised and permanently injured, several bruised and contusions of her arms, legs, and other parts of her body and severe cuts, bruises, and contusions on her lips, face and other parts of her body, which has required her to be under the care of a physician since said date and has prevented her from carrying on her usual work; that said injuries received on said occasion are both serious and permenent.

5. Amount of damages claimed: That because of the negligence of the City as aforesaid, claimant has been damaged in at least the sum of $10,000.00, for which this claimant now makes claim for restitution against the City of Asheville.

Respectfully submitted, this the 9th day of March, 1939.

Georgia Setzer

By Don C. Young
Attorney for Claimant.

The meeting was upon motion, adjourned.

Mayor Holmes Bryson. Glenn Morris
City Clerk

Thursday, March 16, 1939--4:30 P. M.

The City Council met in regular session Thursday, March 16, 1939 at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. F. Divelbiss, Jr., H. G. Etheridge, C. R. Bamford, L. Lyons Lee, O. E. Starnes, Eugene Carland, Mayor Holmes Bryson, City Manager P. W. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Mayor Bryson announced that he and a party consisting of Councilmen H. G. Etheridge, C. Vanderhooven and A. N. Barnett would go to Charlotte on the 17th of March for a broadcast over Station WBT at 7:15 to 7:30 o'clock. He also stated that the Charlotte officials had been invited to come to Asheville for a broadcast.

Resolution authorizing Director of Finance to execute lease to Patriots, Inc. was unanimously passed, as follows:

RESOLUTION AUTHORIZING DIRECTOR OF FINANCE TO EXECUTE LEASE TO PATRIOTS, INCORPORATED

WHEREAS, the lease to the Patriots, Incorporated for the baseball park having expired; and

WHEREAS, the City Council and the Patriots, Incorporated are desirous of renewing said lease and continuing baseball in the City of Asheville;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Director of Finance is hereby authorized to execute a lease to the Patriots, Incorporated for a period of one year, and that said lease is attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

J. F. Divelbiss, Jr.
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 17 day of March, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

A resolution extending the date of completion for the excavation work incidental to the construction of the Asheville Auditorium Convention Hall under contract with Norman S. Hildebrand was unanimously passed.

A RESOLUTION EXTENDING THE DATE OF COMPLETION FOR THE EXCAVATION WORK INCIDENTAL TO THE CONSTRUCTION OF THE ASHEVILLE AUDITORIUM CONVENTION HALL UNDER CONTRACT WITH NORMAN S. HILDEBRAND

WHEREAS, this Council is advised that it is the recommendation of the architect, Lindsey M. Gudger, that it is to the best interest of the Asheville Auditorium Convention Hall to extend the time of completion of the excavation contract; and

WHEREAS, this Council has fully considered this recommendation and finds that it is to the best interest of the City of Asheville to extend the time of completion of such contract;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

Section 1. That the time for completion of the excavation work by the contractor for excavation, Norman S. Hildebrand, be extended until March 16, and that the architect be notified to instruct the contractor that the date of March 16 shall be set as the date for completion of this contract, and that the architect be instructed to notify the contractor and the Public Works Administration that the Council of the City of Asheville waives its claim to liquidated damages for time taken in completion of the contract over that set out in the contract prior to March 16, 1939.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 17 day of March, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
Corporation Counsel.

The meeting was upon motion, adjourned.

Mayor Holmes Bryson.

Glenn Morris
City Clerk

Thursday, March 23, 1939-- 4:30 P. M.

The City Council met in regular session Thursday March 23, 1939, at 4:30 P. M. with Mayor Bryson presiding. Present: Councilmen C. R. Bamford, Eugene Carland, H. G. Etheridge, L. Lyons Lee, O. E. Starnes, Mayor Holmes Bryson, P. M. Burdette, City Manager, and Philip C. Cocke, Jr., Corporation Counsel. Minutes of the previous meeting were read and approved.

Mr. Burdette read a petition by the Master Plumbers Association of the City requesting improvement in the unsafe and unsound conditions of plumbing and heating in the city, due to old sanitary plumbing laws. This was referred to the City Manager and Corporation Counsel.

The meeting was upon motion adjourned.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

Thursday, March 30, 1939--4:30 P. M.

The City Council met in regular session Thursday, March 30, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. [illegible], C. R. Bamford, Eugene Carland, L. Lyons Lee, O. E. Starnes, Mayor Holmes Bryson, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Mr. John Vance, Commissioner of Public Institutions for Buncombe County, read the following resolution to the City Council, which after discussion, was referred to the City Manager for investigation and report:

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE.

RESOLUTION REQUESTING THE CITY OF ASHEVILLE TO APPROPRIATE IN ITS NEXT BUDGET $6000 FOR MAINTENANCE OF WATER LINES IN LOCAL WATER DISTRICTS IN BUNCOMBE COUNTY.

WHEREAS, there are a number of sanitary and water districts in Buncombe County which were organized during the years 1925 to 1927 for purpose of distributing water to residents within in said districts; and

WHEREAS, with the exception of the Woodfin District there is no source of water supply except the City of Asheville water mains; and

WHEREAS, it was originally contemplated that the districts would purchase water from the City of Asheville and re-sell it to the inhabitants within the districts; however, for a number of reasons this plan was abandoned; and

WHEREAS, it appears that there are approximately fifteen hundred (1500) meters in the water districts outside of the City of Asheville from which it is estimated that the City of Asheville obtains annually, an income of approximately $36,000 per year; and

WHEREAS, since the establishment of these districts the Board of County Commissioners has annually levied a tax for the maintenance of the water lines, which tax is paid by the property owners within the several districts; and

WHEREAS, it appears that the only expense to the city in the sale of water to the users in the said districts outside of the city is the cost of reading meters, keeping book accounts, forwarding statements and collecting for the water used; therefore, it would seem that in all equity and fairness the city should contribute to the cost of maintaining said water lines; and

WHEREAS, Mr. Vance has pointed out to the Board of County Commissioners that in the several districts the annual levy for maintenance of lines is approximately $13,000, and in his opinion it would be fair and equitable if the city contributed annually toward the maintenance and upkeep of these lines $6,000:

NOW, THEREFORE, BE IT RESOLVED By the Board of County Commissioners that Mr. Vance be and he is hereby empowered, delegated and instructed to bring this matter to the attention of the City Council, in an effort to obtain an appropriation of $6,000 in the next city budget to help defray the expense of maintaining the water lines in said water districts.

The meeting was upon motion, adjourned.

Mayor Holmes Bryson

Glenn Morris
City Clerk.

Thursday, April 6, 1939--4:30 P. M.

The City Council met in regular session Thursday, April 6, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, C. E. Bamford, O. E. Starnes, Mayor Holmes Bryson, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Petition requesting heavy trucks to be routed over Broadway from Woodfin instead of Merrimon Avenue was read. Mr. Burdette, City Manager, told the delegation that the State Highway Department and he had been working on this for months, and as soon as necessary re-paving and other work was complete, the change would be made.

Resolution authorizing Mayor to execute quit-claim deed was upon motion, unanimously adopted as follows:

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEED

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1927; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 727 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and [illegible], without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
5939	L. Blomberg & M. Leavitt	89½	7	4	L. H. Pollock wife, Ada Po

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deed to the property listed above, as above set out, which deed is to be turned over to the tax collector of the City of Asheville who will deliver the same to the bidder upon payment of the taxes above referred to, and prior year taxes, together with interest and costs above referred to, and the listing of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

[illegible], approved and adopted, this 6 day of April, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

[illegible]

Upon motion of Councilman Lee, seconded by Councilman Etheridge, resolution on appreciation of the years of service rendered by Miss Ann Talbot Erwin of Librarian was ordered spread upon the minutes, as follows:

RESOLUTION

We, the members of the City Council of Asheville, take pleasure in placing on record our appreciation of the nearly thirty-five years of service rendered by Miss Ann Talbot Erwin through the City's Public Libraries. She began her work in the small building on Church Street with but a few books, but the fine spirit of cooperation between librarian and readers. Today Asheville has its splendid Pack Library Building and fine circulating and reference libraries and a record of which we are justly proud.

As Miss Erwin severs her active connection with the Pack Library today, she has to her credit the longest term of continuous service of any present city employe. We unite in our congratulations over this unique experience and over the splendid way in which she has handled the work, solved problems, and over difficulties. Her great love for books, with her knowledge of their contents, her advice, counsel and patience have made her through these years a faithful helper along the best lines to young and old in City and County and to many temporary visitors. We extend our thanks, appreciation and congratulations with sincere wishes for many happy years of continued service along chosen lines.

RESOLVED that the above be inscribed in the minutes of this meeting, be given to the local papers and a copy sent to Miss Erwin.

This 30th day of March, 1939.

Holmes Bryson
Mayor

L. Lyons Lee
Vice-Mayor

J. E. Divelbiss, Jr.
Councilman

H. G. Etheridge
Councilman

C. E. Bamford
Councilman

O. E. Starnes
Councilman

Eugene Carland
Councilman

The meeting was upon motion, adjourned.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk.

Thursday, April 13, 1939--4:30

The City Council met in regular session Thursday, April 13, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present Councilmen: L. Lyons Lee, H. G. Etheridge, Eugene Carland, O. E. Starnes, Mayor Holmes Bryson, City Manager P. M. Burdette, and Corporation Counsel Philip C. Cocke, Jr. Minutes of the previous meeting were read and approved.

Letter of thanks was read from Miss Lucy Carland for flowers sent her while in the hospital.

Fair. E. W. Pearson, Colored, solicited $500.00 for the Colored Agricultural Fair. This was referred to the City Manager.

Holmes Bryson
Mayor.

Glenn Morris
City Clerk

Thursday, April 20, 1939--4:30 P. M.

The City Council met in regular session Thursday, April 20, 1939, but adjourned for lack of a quorum.

Glenn Morris
City Clerk

Thursday, April 27, 1939--4:30 P. M.

The City Council met in regular session Thursday, April 27, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, O. F. Rumford, Eugene Carland, O. E. Starnes, City Manager P. M. Burnette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson. Minutes of the previous meetings were read and approved.

A letter of thanks was read from the family of Chief A. L. Duckett, for flowers sent to his funeral.

Upon motion of Councilman Divelbiss, seconded by Councilman Etheridge, the bill in the sum of $50 for the death of Chief Duckett was ordered drawn by the Corporation Counsel to be presented at the next meeting of the Council.

Mr. Fleming Talman, Mr. Fred Lockwood and Mr. Moore Bryson appeared before the Council as a committee representing the Junior Chamber of Commerce, and asked the approval of the Council of the proposed organization of a Junior Chamber of Commerce for the City of Asheville to work with the senior Chamber of Commerce.

Upon motion of Councilman Divelbiss, seconded by Councilman Etheridge, the Corporation Counsel was instructed to prepare such endorsement and present it at the next meeting of the Council.

Mr. Lamar Dorsett, Attorney for the Thrash Estate, requested the City Council to deed back to the present owner Lot 27, No. 74 St. Dunstans Circle, which had been sold on a tax title, and proposed to settle for taxes at 50¢ on the dollar. This was referred to the City Manager and Corporation Counsel.

Resolution requesting Local Government Commission to cancel and return to the Sinking Fund Commission for Buncombe County certain bonds was unanimously passed as follows:

RESOLUTION

REQUESTING LOCAL GOVERNMENT COMMISSION TO CANCEL AND RETURN TO THE SINKING FUND COMMISSION FOR BUNCOMBE COUNTY CERTAIN BONDS

WHEREAS, in pursuance of Ordinance 237 of the City of Asheville, adopted May 11, 1936, there were issued $15,319,667.72 General Refunding Bonds of the City of Asheville, for the purpose of refunding a like principal amount of other bonds therein described; and

WHEREAS, a portion, to-wit $157,492.65, of the debt which was then refunded by the provisions of said ordinance 237, has not been so refunded but has been otherwise settled and refunded; and

WHEREAS, the bonds issued in accordance with Ordinance 237 for the purpose of refunding the said amount of $157,492.65 were deposited with the Local Government Commission and still remain in their hands;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ASHEVILLE:

That the Local Government Commission be requested to cancel and return to the Sinking Fund Commission for Buncombe County the City of Asheville General Refunding bonds, dated July 1, 1936, below described in the total sum of $157,492.65:

A 13,906/9	5,000
A 13,926/36	12,000
A 13,938	1,000

A 13,943/14,025	83,000	
A 14,071/2	2,000	
A 14,079/86	8,000	
A 14,149/53	5,000	
A 14,160	1,000	
A 14,162/4	3,000	
A 14,201	1,000	
A 14,206	1,000	
A 14,230/35	6,000	
A 14,334	1,000	129,000
B 1,118/42	12,500	
B 1,166/70	2,500	
B 1,204/15	6,000	
B 1,217/21	2,500	23,500
R 640/64 @ 134.37	3,359.25	
R 688/92 @ 134.37	671.35	
R 701/5 @ 192.31	961.55	4,992.65
		$157,492.65

I move the adoption of the foregoing resolution.

L. Lyons Lee
COUNCILMAN

SECONDED BY: J. E. Divelbiss, Jr.
COUNCILMAN

Read, approved and adopted, this 27th day of April, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the Mayor to execute lease with General Outdoor Advertising Company was unanimously passed as follows:

RESOLUTION

WHEREAS, the City Manager has entered into a tentative agreement with the General Outdoor Advertising Company to place certain sign boards on certain lots designated in said lease; and

WHEREAS, the City Council of the City of Asheville approves said lease with the General Outdoor Advertising Company;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor is hereby authorized and instructed to enter into said lease with the General Outdoor Advertising Company, the lease in question being attached hereto and made a part of this resolution.

I move the adoption of the foregoing resolution.

H. G. Etheridge
COUNCILMAN

SECONDED BY: Eugene Carland
COUNCILMAN

Read, approved and adopted this 27th day of April, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Resolution authorizing the Mayor to execute quit-claim deeds was upon motion unanimously adopted.

RESOLUTION

RESOLUTION AUTHORIZING MAYOR TO EXECUTE QUIT-CLAIM DEEDS

WHEREAS, the City acquired through tax foreclosure proceedings certificates of title for numerous pieces of property for the year 1927; and

WHEREAS, the General Assembly of North Carolina at its 1935 session enacted a tax relief bill; and

WHEREAS, Section 4 of said tax relief bill, being House Bill 737 ratified March 21, 1935 gives any governmental unit which has obtained title to any real estate the power and authority to reconvey to the original owner said property upon the payment of the taxes, plus 6% interest and $6.00 costs, without advertising same; and

WHEREAS, the following property was sold at private sale:

CERTIFICATE	LISTED OWNER	LOT	SHEET	WARD	MAKE DEED TO
1147	M. B. Sabiston & wife Bloie Sabiston	43 & 53-C	18	5	M. A. James
866	Mrs. C. C. Lantz	173,174 175, 176 177	5	2	W. T. Rowland, Jr.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That the Mayor of the City of Asheville be and he is hereby authorized and empowered to execute quit-claim deeds to the property listed above, as above set out, which deeds are to be t urned over to the tax collector of the City of Asheville who will deliver the same to the bidders upon payment of the taxes above referred to, and prior year taxes, together with interest and costs as above referred to, and the li tion of the property for taxes for the period in which title was vested in the City of Asheville.

I move the adoption of the foregoing resolution.

Eugene Carland
Councilman

SECONDED BY: O. E. Starnes
Councilman

Read, approved and adopted, this 27 day of April, 1939.

Holmes Bryson
Mayor

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL

Resolution authorizing the issuance of Tax Anticipation Notes of the City of Asheville in the sum not exceeding $16,500.00 wad upon motion, unanimously passed.

RESOLUTION

RESOLUTION AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION NOTES OF THE CITY OF ASHEVILLE IN THE SUM NOT EXCEEDING $16,500.00.

WHEREAS, by Section 2932 of the Consolidated Statutes of the State of North Carolina the City of Asheville is authorized and empowered to borrow money for the purpose of meeting appropriations made for the current fiscal year in anticipation of the collection of the taxes and revenue of such fiscal year, and within the amount of such appropriation; and

WHEREAS, it is now necessary that the City of Asheville shall borrow Sixteen Thousand Five Hundred Dollars to meet appropriations

made for the current fiscal year; and

WHEREAS, funds are now available for loans to the City of Asheville in the Revolving Fund under supervision of the Sinking Fund Commission for Buncombe County;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

1. Subject to approval by the Local Government Commission of North Carolina and in accordance with the provisions of the Municipal Finance Act and the Local Government Act and other statutes applicable in the premises, the City of Asheville forthwith issue negotiable Tax Anticipation note in the total sum of Sixteen Thousand Five Hundred Dollars; that such note shall mature not later than October 10, 1939; and shall bear interest payable at maturity at a rate not in excess of three percent.

2. That, subject to approval of the Local Government Commission of North Carolina, such note be disposed of by private negotiations.

3. That the Mayor and City Clerk be jointly authorized to fix the rate of interest within the limitations herein prescribed; and to fix the form of the said note; and to sign the said note and affix thereto the corporate seal of the City of Asheville; and to dispose of the said note in accordance with law.

4. That the said note shall be approved by the Corporation Counsel for the City of Asheville and his written approval indorsed thereon before issue.

BE IT FURTHER RESOLVED that the full faith and credit of the City of Asheville be and they are hereby pledged for the punctual payment of the principal of and interest on this note in accordance with its terms.

I move the adoption of the foregoing resolution.

Eugene Carland
COUNCILMAN

SECONDED BY: L. Lyons Lee
COUNCILMAN

Read, approved and adopted, this 27 day of April, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

An Ordinance to amend Ordinance 241, being " AN ORDINANCE REGULATING THE ISSUING OF LICENSES FOR THE SALE OF BEER, WINE, AND CERTAIN OTHER BEVERAGES IN THE CITY OF ASHEVILLE" was passed on its first reading with the following vote: Councilman Carland voted "Aye", Councilman Bamford voted "aye", Councilman Rivelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye" Councilman Starnes voted "aye" and Councilman Bryson voted "aye".

The meeting was upon motion, adjourned.

Mayor

Glenn Morris
City Clerk

May 4, 1939.

The City Council met in regular session Thursday, May 4, 1939, at [illegible] P.M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., L. Lyone Lee, C. B. Bamford, Eugene Carland, O. E. Starnes, City Manager P. M. Barnette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson. Minutes of the previous meeting were read, and with the correction that the name to whom deed is made should appear in the caption of Quit-Claim Deed No. 1, were approved.

Mr. P. M. Barnette, City Manager, read a resolution endorsing the new organization known as the Junior Chamber of Commerce for the City of Asheville, as follows:

RESOLUTION INDORSING THE ORGANIZATION OF A JUNIOR CHAMBER OF COMMERCE IN THE CITY OF ASHEVILLE.

WHEREAS, a group of young business and professional men in the City of Asheville have banded themselves together and organized what is known as the Junior Chamber of Commerce of Asheville, North Carolina, and have affiliated with the United States and the North Carolina Junior Chamber of Commerce; and

WHEREAS, the Junior Chamber of Commerce, composed of the younger business and professional element of cities, has been a great success over the United States, and has accomplished many civic enterprises sponsored by its organization in the cities and towns in which it is operated, and has become a vital part of the community life of those cities; and

WHEREAS, the City Council of the City of Asheville feels the need for the Junior Chamber of Commerce working in conjunction with the present organization, the Asheville Chamber of Commerce; and

WHEREAS, this Council whole heartedly endorses the action taken by these young business and professional men in organizing a Junior Chamber of Commerce;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That this Council endorses and approves the above mentioned action, and lends its support in any way that it possibly can to the program of the Junior Chamber of Commerce, and endorses its program for the upbuilding of Asheville and Western North Carolina.

I move the adoption of the foregoing resolution.

O. E. Starnes
COUNCILMAN

SECONDED BY: Eugene Carland
COUNCILMAN

Read, approved and adopted this 4th day of May, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

Ordinance No. 259, entitled, "An Ordinance to provide for the regulation of frozen food products manufactured, sold or offered for sale within the corporate limits of the City of Asheville" was passed on its first reading with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye" Councilman Divelbiss voted "aye", Councilman Starnes voted "aye and Councilman Bryson voted "aye".

Ordinance No. 258, entitled, "An Ordinance to amend Ordinance 241, being "An Ordinance Regulating the Issuing of Licenses for the Sale of Beer, Wine, and certain other beverages in the City of Asheville" was passed on its second reading with the following vote:

Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Starnes voted "aye" and Councilman Bryson voted "aye".

Resolution regretting the death of Alonzo L. Duckett was unanimously passed by the Council, a copy ordered spread upon the minutes of the City of Asheville, a copy sent to the press of this city, and a copy sent to the family of Mr. Duckett. The resolution is as follows:

RESOLUTION REGRETTING THE DEATH OF ALONZO L. DUCKETT.

WHEREAS, Alonzo L. Duckett has been affiliated with the Fire Department of the City of Asheville since 1896, both as a member of the old Volunteer Asheville Fire Department and as a member of the Asheville Fire Department as now constituted, having been appointed Assistant Chief in 1912 and Chief in 1922, which position he held at the time of his retirement several months ago when he was appointed Inspector of the Fire Department; and

WHEREAS, Alonzo L. Duckett equipped himself as a man and a fireman in such a way during the years he was associated in the capacity in which he was, that it attained nation recognition as a fireman, and through this, brought to the City of Asheville and its governing bodies a reputation of always having a Fire Department for above those of other cities its size; and

WHEREAS, the record made by Chief Duckett while he was a member of the Asheville Fire Department is unexcelled by any officer in any town during his tenure of office; and

WHEREAS, Chief Duckett was interested not only in the Fire Prevention Weeks held in the City of Asheville during the years, but visited our schools and trained our children, as well as the citizens as a whole, to keep the men of fire from igniting and spreading within our beautiful city: and

WHEREAS, as a man Chief Duckett was one whose character was above reproach and whose integrity was of the highest, beloved by his men over whom he had control and of the citizens generally who respected and admired him for;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE:

That each member of the Council, individually and as a body, express to Mr. Duckett's family his deepest regret and sympathy at his passing, and that a copy of this resolution is hereby ordered spread upon the minutes of the City of Asheville, a copy sent to the press of this City, and a copy sent to the family of Mr. Duckett.

I move the adoption of the foregoing resolution.

C. B. Bamford
COUNCILMAN

SECONDED BY: L. Lyone Lee
COUNCILMAN

Read, approved and adopted, this 4th day of May, 1939.

Holmes Bryson
Mayor

Glenn Morris
City Clerk

APPROVED AS TO FORM:
Philip C. Cocke, Jr.
CORPORATION COUNSEL.

The meeting was upon motion, adjourned.

Mayor.

Glenn Morris
City Clerk

May 11, 1939.

The City Council met in regular session Thursday, May 11, 1939, at 4:30 P. M., with Mayor Bryson presiding. Present: Councilmen J. E. Divelbiss, Jr., L. Lyons Lee, H. G. Etheridge, C. R. Bamford, Eugene Carland, O. E. Starnes, City Manager P. M. Burdette, Corporation Counsel Philip C. Cocke, Jr., and Mayor Holmes Bryson.

Minutes of the previous meeting were read and approved.

ELECTION RETURNS
BOARD OF ELECTIONS

The Board of Elections of the City of Asheville composed of S. G. Bernard, Chairman, C. Fred Brown and Chas. F. Crow, presented the official report of the board as follows:

"Hon. Holmes Bryson
Mayor of the City of Asheville,
Asheville, N. C.

Dear Sir:

The Board of Elections of the City of Asheville begs to report that at the General City Election for the City of Asheville, duly and regularly held Tuesday, May 9, 1939, the results were as follows:

Carl R. Bamford received	3655	votes for City Councilman
Holmes Bryson received	3577	votes for City Councilman
Eugene Carland received	3627	votes for City Councilman
J. E. Divelbiss, Jr. "	3627	votes for City Councilman
H. G. Etheridge "	3624	votes for City Councilman
L. Lyons Lee received	3627	votes for City Councilman
O. E. Starnes received	3624	votes for City Councilman
Fred Severance "	343	votes for City Councilman
Sam M. Cathey received	3648	votes for Judge Police Court
Will Hampton received	3613	votes for Solicitor Police Court

We therefore declare the following named persons duly elected Councilmen of the City of Asheville, to-wit:

Carl R. Bamford
Holmes Bryson
Eugene Carland
J. E. Divelbiss, Jr.
H. G. Etheridge
L. Lyons Lee
O. E. Starnes

We further declare Sam M. Cathey duly elected Judge of the Police Court for the City of Asheville.

And we further declare Will Hampton duly elected Solicitor of the Police Court of the City of Asheville.

We attach hereto the original precinct returns from all precincts in the City of Asheville duly signed by the Judges and Registrars thereof and verified.

We also attach hereto a tabulation of the vote made at a meeting of the Board duly and regularly held at 10 o'clock A. M. Wednesday, May 10, 1939.

S. G. Bernard
C. Fred Brown
Chas. F. Crow

NORTH CAROLINA
BUNCOMBE COUNTY

S. G. BERNARD, C. FRED BROWN, AND CHARLES F. CROW, being first duly sworn, depose and say: That the foregoing report is a true and accurate report of the results of the General City Election held in the City of Asheville May 9, 1939, as the same appeared from the returns of the precinct officials who held said election.

S. G. Bernard
C. Fred Brosn
Chas. F. Crow

Subscribed and sworn to before me, this the 10th day of May, 1939.

Glenn Morris
Notary Public "

My commission expires:

3-31-40 (Seal)

U. S. CONFERENCE OF MAYORS
MAY 15, 1939

Mayor Ben E. Douglas of Charlotte wrote to Mayor Holmes Bryson, reminding him that the U. S. Conference of Mayors would hold its meeting in New York City, beginning Monday, May 15, and asked that as many Councilman as possible accompany the Mayor to this meeting.

ORDINANCE NO. 259
SECOND READING POSTPONED

Ordinance No. 259, entitled, "AN ORDINANCE TO PROVIDE FOR THE REGULATIONS OF FROZEN FOOD PRODUCTS MANUFACTURED, SOLD OR OFFERED FOR SALE WITHIN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE." was not presented on its second reading, but was postponed for one week, in order to give interested persons a chance to be heard. This motion was made by Councilman Etheridge, seconded By Councilman Lee.

Attorneys J. M. Horner, Jr., J. Y. Jordon, Jr.& Burgin Pennell, represented opponents of the ordinance, and Attorney Don C. Young spoke for those supporting the ordinance. Mr. John Goode, Druggist also spoke in opposition to the ordinance.

ORDINANCE NO. 258
THIRD AND FINAL READING

Upon motion of Councilmen Etheridge, seconded by Councilman Starnes the following amendment was made to Ordinance 258 before the final passage:

"BY STRIKING OUT THE AMOUNT $75.00 IN LINE 5 OF SECTION 1 OF SAID ORDINANCE AND INSERTING THEREIN $37.50, AND BY STRIKING OUT THE AMOUNT $100.00 in line 9 of SECTION 1 AND INSERTING THEREIN $ 62.50."

Ordinance No. 258, entitled, "AN ORDINANCE TO AMEND ORDINANCE 241, BEING 'AN ORDINANCE REGULATING THE ISSUING OF LICENSES FOR THE SALE OF BEER, WINE, AND CERTAIN OTHER BEVERAGES IN THE CITY OF ASHEVILLE' ", was presented as amended on the third and final reading with the following vote: Councilman Carland voted "aye", Councilman Bamford voted "aye", Councilman Divelbiss voted "aye", Councilman Lee voted "aye", Councilman Etheridge voted "aye", Councilman Starnes voted "aye", and Councilman Bryson voted "aye". The Ordinance was unanimously adopted.

ORDINANCE NO. 258

AN ORDINANCE TO AMEND ORDINANCE 241, being "AN ORDINANCE REGULATING THE ISSUING OF LICENSES FOR THE SALE OF BEER, WINE, AND CERTAIN OTHER BEVERAGES IN THE CITY OF ASHEVILLE".

THE CITY COUNCIL OF THE CITY OF ASHEVILLE DO ORDAIN:

Section 1. That Ordinance 241 be and the same is hereby amended by adding a new section known as Section 3 (a) as follows:

That every person, firm or corporation selling or distributing beer, lager beer, ale, porter and other beverages at wholesale shall pay a license tax per annum of $37.50; provided, that a licensee to sell at wholesale beverages described in Section 501 (a), and the beverages described in Section 501 (b) and (c), or either, of the act of the North Carolina General Assembly to regulate the manufacture, transportation and sale of certain beverages, shall pay an annual license tax of $ 62.50, as set out in Section 506 of House Bill 13, being the Budger Revenue Bill of the General Assembly of the State of North Carolina for the year 1939.

Section 2. That all ordinances or sections of ordinances in conflict

with this ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect fifteen days after its publication.

I move the adoption of the foregoing ordinance, this 27th day of April, 1939.

H. G. Etheridge
COUNCILMAN

SECONDED BY:

O. F. Starnes
COUNCILMAN

Read, approved and adopted, this 11 day of May, 1939.

Holmes Bryson
MAYOR

Glenn Morris
CITY CLERK

APPROVED AS TO FORM:

Philip C. Cocke, Jr.
CORPORATION COUNSEL.

EFFECTIVE THE 29th DAY OF MAY, 1939.

COMMITTEE REVENUE ORDINANCE

Mayor Bryson appointed the following committee to work with the Corporation Counsel and the City Manager on the Revenue ordinance:

Councilman Carland
" Lee
" Divelbiss

ADJOURNED SINE DIE:

The meeting was upon motion, adjourned, Sine Die.

Mayor

City Clerk
Glenn Morris

State of North Carolina
Department of Archives and History
Raleigh

CERTIFICATE OF AUTHENTICITY

This is to certify that the microphotographs appearing on this reel are true and accurate reproductions of the records listed on the target (title) sheet preceding each volume or series of records microfilmed hereon; that the records were microfilmed on the date and at the reduction ratio indicated; and that on the date of microfilming, the records were in the custody of the official or other individual listed on the target sheet(s).

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(Signed) H. O. Stuart
Camera Operator

Date 7-10-73

NCDA&H

END

OF BOOK